

MEETING NOTICE

Policy and Advocacy Committee January 16, 2009

Waterfront Hotel
Jack London Square
10 Washington Street
Oakland, CA 94607
800-729-3638
510-836-3800

9:30 a.m. – 3:30 p.m.

- I. Introductions
- II. Review and Approval of the October 10, 2008 Policy and Advocacy Committee Meeting Minutes
- III. Budget Update
- IV. Discussion and Possible Action Regarding Proposed Statutory Changes Related to Supervision by Videoconference
- V. Discussion and Possible Action Regarding Amending Unprofessional Conduct Statutes and Regulations
- VI. Discussion and Possible Action Regarding Draft Regulations Implementing Mandatory Continuing Education for Licensed Educational Psychologists
- VII. Discussion and Possible Action of Requiring Minimum Hours of Experience Treating Families for Marriage and Family Therapist Licensure
- VIII. Legislative Update
- IX. Rulemaking Update
- X. Suggestions for Future Agenda Items
- XI. Public Comment for Items Not on the Agenda



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

POLICY AND ADVOCACY MEETING MINUTES - **DRAFT** October 10, 2008

Sheraton Pasadena
303 East Cordova
Pasadena, CA 91101
9:30 a.m. – 2:30 p.m.

Members Present

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

Staff Present

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

Members Absent

None

Guest List

On file

Gordonna DiGiorgio, Committee Chair, called the meeting to order at 9:30 a.m. Christina Kitamura called roll, and a quorum was established.

I. Introductions

Audience members introduced themselves.

II. Review and Approval of the July 11, 2008 Policy and Advocacy Committee Meeting Minutes

Ian Russ moved to accept the July 11, 2008 Policy and Advocacy Committee Meeting Minutes. Renee Lonner seconded. The Committee voted (4-0) to pass the motion.

III. Review and Possible Action to Recommend Revisions to the Board's Disciplinary Guidelines

Tracy Rhine reported. At its July 11, 2008 meeting, the Policy and Advocacy Committee discussed revisions to disciplinary guidelines. The guidelines established the maximum and minimum discipline that can be imposed for violation of the Board's laws and regulations. There were technical changes needed; those were made. There were a few items discussed relating to access to courses for individuals on probation, and for access to supervisors and psychotherapists as ordered by probation. Page 18 of the guidelines (changes in blue underlined fonts), #3 – Psychotherapy – The Board wanted to see some type of language in the guidelines that allows for face to face or video conferencing for those individuals ordered to do psychotherapy but who live in a geographical area that they are unable to do so. Language inserted in first paragraph under #3, "Face to face or with the written permission of the Board via video conferencing shall occur..." and then it continues on.

The next issue for discussion showed two options for consideration. Option 1 regarding psychotherapy allows a probationer to secure a therapist with whom they already have a business or professional relationship if “a good faith effort or good faith attempts” have been made with written permission from the Board. Option 2 – Guidelines allow probationer to secure services from a therapist with whom they have a prior relationship if they are unsuccessful in obtaining a new therapist. The new language defines “unsuccessful” as follows: “Unsuccessful means respondent has been unable to secure a psychotherapist within a 50 mile radius of his/her home that has no prior business or personal/professional relationship with respondent.” Ms. Rhine suggested that the Board discuss the need for parameters on what it means to be “unsuccessful” or what the attempts need to look like, or if the Board wants to keep it open and is willing to allow people to find a therapist with whom they have a prior relationship without setting parameters.

The issues raised by Ms. Rhine were discussed individually.

With respect to the issue of allowing videoconferencing for supervision of probationers, Dr. Russ wondered if video conferencing is available, is there a need to approach the other issues because a probationer can get supervision from a therapist who lives away in a different geographical location from probationer. Dr. Russ questioned the need to go into the rest of it and face that problem if the probationer can have the therapy by video verified.

Ms. DiGiorgio agreed with Dr. Russ, not seeing a need to go further to another option if the Board can obtain verification of the person doing the video conferencing.

Ms. Roye agreed. The trend toward video conferencing is that many professional disciplines are leaning towards this. She doesn't see the need to go any further with other options.

Ms. Lonner asked if the Board was certain that a respondent who is having trouble finding a non dual-interest therapist has access to video conferencing in such a rural setting.

Ms. Roye responded that in terms of accessibility, many counties are using video conferencing and teleconferencing. Family law courts are utilizing video conferencing or teleconferencing as acceptable alternatives to appearing in court. She expressed that if the Board opens the door to use of videoconferencing, the issue of accessibility will work out.

Ms. Lonner agreed that the deficits of videoconferencing are much less than the deficits of dual relationships.

Ms. DiGiorgio expressed that it shouldn't be that difficult to find video conferencing services.

Ms. Roye expressed that it also offers the opportunity to make sure that there is not a conflict of interest because there is a wider group of people that one can look to for the supervision.

Ms. DiGiorgio opened the discussion to the audience for comments.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), supported allowing video conferencing. She stated that technology is inexpensive, widely available, and accessible, and the deficits that come from that mode of supervision or oversight are much less than the deficits that come into play with engaging in supervision with someone with whom probationer has a prior business or personal relationship.

Mr. Riches clarified that there are two separable issues being considered: 1) relates to mandatory ongoing psychotherapy. There is also a situation involving the mandate of having a probation supervisor. Is the Committee discussing the use of videoconferencing in both cases or only for psychotherapy? Mr. Riches noted that the issue raised by Ms. Rhine at that time pertained to psychotherapy. The issue of videoconferencing for compliance with the supervision requirement was to be discussed later on the agenda. Mr. Riches indicated he was not sure it was inappropriate to discuss both issues at the same time, but did want to make sure it was clear that two separate issues were being discussed.

Mr. Riches stated that board staff currently receives quarterly reports from both the practice supervisor and therapist, as the manner in which the Board stays abreast of what's going on in those relationships with probationers. Making a decision to allow videoconferencing would not impact that ongoing monitoring.

Dr. Russ suggested dropping the other two pieces and going ahead with video conferencing.

Janlee Wong, National Association of Association of Social Workers (NASW), encouraged the Committee to remain flexible with those who have been assigned to use this modality and experience difficulty in doing so. He expressed that video conferencing equipment is not as available as one might think. Some areas only have a dial-up connection to the internet and may not get a good signal. Another issue of concern was that people who do this work with people in urban areas need to understand the culture of those in rural areas. There is a cultural difference, and therefore, the need to be more sensitive. Dual relationships are more prevalent in rural areas. The Committee needs to look at what's going on in the smaller communities and how these type relationships exist with a small number of people in the small town.

Mr. Riches stated that the point raised by Mr. Wong goes back to the original point - previously there was an absolute prohibition of dual relationships, and that was the genesis of this discussion. If we are looking to be responsive to that concern then we need to address the issue raised by Ms. Rhine and Ms. Schieldge - what does "unsuccessful" mean? Can you establish a suitable relationship by teleconference or videoconference as one of the things you have to exhaust before you get to being "unsuccessful?" It can be an approach the Board takes if that is something they want to accommodate.

Ms. Roye reminded that this is just an option that is now available that may not have been available several years ago but is available now. She encouraged the Board to look at this seriously as an option to be used, but to also keep in mind that there are other options as well.

Dr. Russ asked if this would replace the necessity to have Option 1 or 2. He agreed with Mr. Wong about the different lifestyle in small rural communities including the level of internet access and accessibility to videoconferencing.

Ms. Roye expressed concern regarding the Committee making a decision based on the premise that rural areas don't have access to necessary videoconferencing equipment. She reminded that videoconferencing in just one option.

Mr. Riches summarized the Committee's discussion. He indicated that it seemed like the Committee had set up a series of preferences: 1) live, in person, no conflicting relationship. If that's not realistic, 2) is there some way to establish this by a videoconferencing arrangement. They would have to demonstrate that the alternate option (in person) is not available within a reasonable distance. And then if probationer can show that the first two steps have been

exhausted unsuccessfully, move on to the next step (possible dual relationship). Committee members concurred with Mr. Riches' summary of the discussion.

Ms. Schieldge clarified the tiered approach and outlined the options. The tiered approach would be: 1) no conflict, face to face psychotherapy. If probationer can adequately demonstrate that is not possible, then 2) teleconferencing. If that is not possible, and they can demonstrate they cannot get the supervision, then what is the last option?

Ms. Lonner responded that the last option would be that probationer could have a therapist where there was a previous relationship.

Discussion was held regarding steps a probationer would have to take before being allowed to engage a therapist or supervisor with whom a prior relationship exists.

Ms. Schieldge clarified that the Board's definition of "unsuccessful" is: 1) Not being able to find someone with whom there is no prior relationship; 2) not being able to secure teleconferencing as an option; and 3) demonstrating that they have exhausted #1 and #2 before the Board is willing to consider allowing the probationer to have a psychotherapist or supervisor with whom a prior business or professional relationship exists

Discussion took place regarding allowing probationers to have a psychotherapist or supervisor with whom a previous personal relationship exists. The general consensus was that a previous personal relationship was inappropriate, even in small communities.

Ms. Schieldge clarified that this change would be generic, unless the Board clarified that it only applied to rural communities; otherwise it would be a generic standard that could be applied in any larger urban context as well.

Robin Emerson, California Society for Clinical Social Work, asked if the Board could leave definition of "personal" open since the final requirement is for the Board to approve the person's plan for psychotherapy or supervision. She suggested that board staff could evaluate the relationship between the probationer and prospective therapist/supervisor to determine if that was a serious conflict of interest or a situation that could potentially work.

Discussion continued among the Committee members.

Mr. Riches indicated that there are currently two standards: 1) Evaluating any dual relationship. Is it potentially exploitive of client? 2) Is action sufficiently protective of public interest? In evaluating such situations in this context (probation compliance), one has to look at it from both perspectives. Is the Board setting up something in the therapeutic relationship which would be a problem independent of anyone's probation status? That is one threshold to get past. The other threshold the Board has to get past is that of setting something up that's not going to be adequately protective of public interest. He stated there was a need to look at those two questions in terms of how to evaluate the situations in question.

Ms. Roye encouraged the Board to remember that they are talking about a probationary situation, and therefore, the burden is different than in a general therapeutic situation. The Board wants to make sure that in lieu of revoking someone's license, the individual is doing everything they can to bring themselves back to where they need to be professionally.

Ms. DiGiorgio supported the premise of looking at each case on an individual basis as indicated by Mr. Riches.

Ms. Schieldge added that another criterion for “dual relationship” is impairing the judgment of the therapist. One has to be concerned about placing a therapist in a situation where they have impaired judgment because of their prior relationship with the person to whom they are providing therapy.

Ms. Schieldge added that there’s an issue here with either giving staff too much direction in setting a new standard in regulation that you may not want to set or giving them a lot of discretion to look at these on a case by case basis, perhaps consult with experts about whether it would be a problem to allow such a relationship.

Ms. Schieldge asked the Committee if it would be comfortable with allowing a prior personal relationship if it’s analyzed by staff in consultation with experts. Ms. DiGiorgio responded yes.

Mr. Wong suggested that the Board not allow prior personal relationships because it would affect that relationship, and the Board does not want to be in that position. Close personal relationships should be avoided. You don’t want the appearance of the government affecting personal relationships. What if the people got divorced because of this? Never spoke again? That does present a hardship because of the extreme cases where there is absolutely nobody. *Close* personal relationships should be avoided. If you only see someone once a year, that is not necessarily a friendship. What if the person receiving the service complains about the other therapist? Is the therapist providing information based on dual relationship instead of providing good therapy or supervision?

Ben Caldwell, Alliant International University, noted that the issue of how concrete to get with defining “dual relationship” has been addressed/struggled with in the past by the American Association for Marriage and Family Therapy (AAMFT) Ethics Committee. The result has been a purposeful vagueness. If one tries to very explicitly lay out what is and isn’t a dual relationship, there will always be exceptions. He would be comfortable with the Board making decisions on case by case basis, bearing in mind this is an option of last resort. Face-to-face work with someone with whom there is no prior relationship is not an option, and video conferencing is not an option. Hopefully those would be very rare cases; assuming they are, he would be comfortable with the Board or staff having the discretion to decide whether or not a plan of supervision of a plan of personal psychotherapy is appropriate.

Ms. Riemersma stated that there was a clear precedent already established in law and regulation in regards to supervisees – both psychotherapy and supervision. The standard is already established even when it comes to intern or trainee not being supervised by someone with whom a prior personal or professional relationship exists. She indicated that that is just for purposes of gaining hours of experience. The issue at hand is much greater because it is dealing with probation. A dual relationship undermines the ability of the person doing the supervision or psychotherapy to work effectively with the person receiving the services who is being disciplined. She encouraged the Board to allow a previous dual relationship only in cases where nothing else works.

Ms. Schieldge referred to Option #1 which states that unsuccessful due to the quantity or availability of qualified health care professionals in the area – For clarification, she asked if this part of the analysis was the trigger for going over the first hurdle, meaning they’ve exhausted it.

Ms. DiGiorgio questioned if that meant the existing language needs to be changed.

After discussion, the Committee agreed that language needed to be changed.

Dr. Russ suggested adding language to page 18, option 2: “No prior business or professional relationship, or unsuccessful due to the availability of qualified health care professionals in the area.”

The Committee further discussed existing language and allowing a personal relationship. The determination was made that only previous professional or business relationships should be allowed.

Ms. Schieldge confirmed the Committee’s intent: If 1) no therapist is available with whom there was no conflicting relationship, and 2) no video conferencing available; then the Board may permit a probationer to secure a therapist or supervisor within whom a prior business or professional relationship exists.

Committee members agreed they were comfortable with such language and it provided staff with sufficient direction.

Supervised Practice, page 19 of Disciplinary Guidelines

Ms. Rhine indicated this was the same discussion. When drafting language, she did not include video conferencing because at a previous discussion of the matter it was only related to psychotherapy for probationers. Language inserted in #4 under Supervised Practice would allow a respondent to receive supervision from a therapist with whom they have a prior business or professional relationship or from a supervisor who practices in a field that is different from respondent’s field.

Ms. Rhine asked if the Committee wanted the language in this area to mirror what was decided on for psychotherapy, allowing respondent to do video conferencing, i.e., the tiered criteria as with psychotherapy. She asked how the Committee wanted the language to look regarding supervision.

Dr. Russ opined it should be the same; other Committee members agreed it should be kept consistent.

Ms. Rhine questioned if the Committee also wanted to allow use of a supervisor/therapist who practices in a field different from respondent’s, in addition to the issue of the relationships.

Mr. Riches explained that for license supervision there is currently the ability for professionals with an overlapping scope of practice to provide supervision as a qualification for licensure. The current recommended action would be applying the same principal for probationary supervision that is already permitted for licensure.

Ben Caldwell, Alliant International University asked for clarification. Does the Committee want to express a preference between having a supervisor who is outside of the respondent’s field of practice as opposed to someone with whom a dual relationship exists? The language says one or the other– is one preferable to the other?

Mr. Riches responded that the preference would be to have someone of a separate professional license category than anyone with an existing dual relationship.

Mr. Caldwell asked if it is possible to clarify that in the language.

Mr. Riches stated his position is that it would always be preferable to have any appropriate licensed individual without a relationship.

Mr. Rhine asked if changes should be made to the language to reflect that, or was it preferable to leave language like it is and allow the Board to have the discretion.

Ms. Schieldge stated that language should be changed to reflect Board's position in this area.

The Committee agreed.

Education

Ms. Rhine referred to the 5th line of the amended language, "...or through a course approved by the Board." This is language that was added after discussion at the last Committee meeting about issues of probationers being able (or not being able) to get classes they are ordered to complete. This language came about to open it up to other sources as yet to be determined.

Mr. Riches noted that one change was needed. The language "classroom attendance must be specifically required; workshops are not acceptable" needs to be stricken as that was what was being contemplated with language approved by the Board.

Discussion was held regarding education, availability of courses, and the use of CE to comply with this requirement. Committee members also discussed the importance of education versus supervision in cases of probation.

Ms. DiGiorgio expressed that therapy and supervision are very important, as is education; however, believes other two are even more important.

Ms. Lonner agreed, and added it is something for the supervisor to use if education is a component that is appropriate.

Dr. Russ added that probationers should get an education piece but believes that requiring the education to be completed at an institution versus a workshop setting may not need to be so essential.

Ms. DiGiorgio asked if then there was a need to change the language.

After additional discussion, Ms. Schieldge clarified the Committee's intent to keep the language "classroom attendance must be specifically required..." and strike "workshops are not accessible."

Mr. Wong expressed the need to be more precise about the education a person being disciplined must complete. There is the need to be flexible about how the education is delivered and what it is. Online education opens up a lot more possibilities. It is not easy to find a cultural competence course in a university that a probationer can get into. It's easier to take a workshop, and much easier to take a cultural competency course online. It is not easy to find many of the courses/areas of study required of probationers.

Mr. Riches explained that before the course is taken the paperwork about the course is submitted to the probation supervisor and the course is evaluated. Sometimes the answer is no in terms of does the content meet the directive of the probation agreement. There is a process of review.

Ms. Roye asked the history of how or why the language about acceptability of workshops got into the regulations.

Ms. Schieldge stated her understanding that there was hesitance to allow use of a continuing education (CE) course to satisfy education requirement. The previous Board wanted coursework to be at the graduate level to ensure "quality" of course being completed. CE courses did not enforce attendance etc., in their courses where such factors are more strongly enforced in institution/graduate level courses.

Ms. Roye asked if language is taken out, does the Board have some way to address the historical challenges of whether or not the confidence level is there in terms of workshops.

Mr. Riches explained that attendance is required at CE workshops and there is a process in place to ensure the same. The reality is that there are not a lot of university level courses that solely address issues such as documentation, boundaries, law and ethics courses.

Ms. Roye stated that the Board was talking about discipline. Probationers should be required to "step up" and do what is necessary in order to maintain their license.

Mr. Riches indicated that currently there exist some probation agreements that are borderline unenforceable because the Board is requiring probationers to take a class that doesn't exist. Usually the requirement is that remedial education be completed in the first year of probation. Even in a 4-year period there are no guarantees the necessary class will be found or will be available. If such courses are required as a condition of probation, and the probationer cannot comply with the requirement because the coursework is not available, that is not a tenable position.

Ms. Lonner stated the position that the subjects of boundaries and recordkeeping should be the meat of supervision for a licensee who is being disciplined. Preferably those issues would be covered in face-to-face supervision, teleconferencing – some type of one-to-one contact.

Ms. Riemersma explained the history on why the course/workshop requirement was put in regulations, stating that this was done because the thirty-hour graduate level course is more intense and rigorous than a workshop. The reality is that certain required courses (boundaries) are not available. The Board does need the latitude to require a different kind of approach to the education requirement. She suggested perhaps requiring a probationer to do research in a particular area, write a paper, etc. to satisfy the requirement in lieu of a class that is not to be found.

Bob Weathers, Southern California Seminary, asserted that a course presented to an entry-level student would have to be very different from a course on the same subject to be presented to a long-time practitioner. He could see no reason that university programs could not respond to the presenting problem by developing a course that is specifically geared toward individuals who are being disciplined. These would be more in-depth than courses that are currently offered via CE or at entry-level.

Dr. Russ brought up the idea of putting together a course at college level.

Mr. Caldwell stated that such a process had been attempted in the past and was not cost effective for the school. He acknowledged that his school does regularly receive calls from probationers asking about availability of courses required as part of the probation agreement.

Ms. DiGiorgio asked Mr. Caldwell if suggestions were made to these individuals about other places where these courses could be taken or other suggestions about how they can obtain the required education.

Mr. Caldwell responded that if the institution does not offer such course, sometimes the institution is able to make suggestions to the probationer regarding compliance; but sometimes they are not. For recordkeeping, for example, there is no place to send them.

Ms. Lonner asked if the Committee wanted to add language that allows the supervisor to design a course of independent study if it is not already available.

Mr. Riches clarified that the language being considered gives the Board the ability to approve things. Essentially, it opens the door, giving the Board the flexibility to deal with this issue while possibly developing alternatives.

License surrender

Ms. Rhine noted that this issue was not previously discussed by the Committee. She summarized the amendments. A person who surrenders the license would not be able to reapply for three years. The proposed language would make it consistent with language pertaining to individuals who have had their license revoked. Heretofore, there has not been a similar restriction on surrendered licenses. After discussion with legal counsel the suggestion was made to move this language to the section "Recommended language for license surrenders."

Mr. Riches noted that this action is just moving the language; there are no changes to language.

Mr. Caldwell asked about the appropriateness of changing the title to "Recommended language for license and registration surrenders."

Mr. Riches responded that usually a registrant who surrenders is gone. They would be reapplying to obtain a new number and be operating under supervision, etc. If cause for discipline was such that the individual surrendered his/her registration, chances are they are not going to make it through the application/evaluation process.

Renee Lonner moved to accept changes that have been discussed and recommend all language as amended to the Board. Ian Russ seconded. The Committee voted unanimously (4-0) to pass motion.

IV. Discussion and Possible Action Regarding Use of Out-of-State Examination Sites

Mr. Riches reported that the Board's licensing examinations are currently administered by a testing company, PSI, at 13 sites throughout California on a continuous basis. One provision of the new contract with PSI is access to some of their locations outside of California throughout the country. Everything remains the same: operated by the same company, same protocols, same as taking the exam in California. A change would require modification to the existing agreement with PSI, but such modification reportedly is not complicated. This change would provide easier access to the exam for out of state candidates. There are no apparent down sides.

Ms. Roye asked about exam security. Mr. Riches explained that the 10 listed out-of-state sites are in compliance with the DCA security standards applicable to the in-state sites.

Mr. Caldwell agreed this was a good idea. It would make the road easier for out of state applicants.

Donna DiGiorgio moved to recommend to the Board to allow use of out-of-state examination sites. Ian Russ seconded. The Committee voted unanimously (4-0) to approve the motion.

The Committee adjourned for a short break.

V. Discussion and Possible Action of Requiring Minimum Hours of Experience Treating Families for Marriage and Family Therapist Licensure

Mr. Riches opened by providing a history of this issue. In the MFT Education Committee work over last two years, one issue was raised as relates to qualifying experience for licensure as an MFT. One issue presented was that specific experience in treating families or couples or family units as a whole is not explicitly required to become a marriage and family therapist. There are currently several categories of experience, one of which allows couples, families, and children. Candidates can fulfill the requirements for licensure exclusively treating children within this category. There were several requests from the community to revisit this issue. This is the first opportunity to begin addressing the community requests. Mr. Riches acknowledged it is already a complicated system of hours and it's an area that is very confusing to everyone. Mr. Riches wanted to start a discussion at the current meeting to lay out issues so the subject can be worked on for awhile.

Mr. Riches provided documents to help the Committee including the LCSW and MFT Student Handbooks and the MFT experience requirements. He noted that the clinical social work experience model is radically simpler and less complex; unsure if it is preferable. That issue has not yet been determined. In reviewing the documents Mr. Riches tried to come up with what could be considered a typical, characteristic application. He noted that the requirements for licensure are very different between the two professions.

Mr. Riches stated he is looking for input from the Committee members and the community. How does the Board approach this issue in a way that ends up with something that makes more sense, is more manageable than the current process? Mr. Riches noted the large disparity between MFT and LCSW candidates regarding hours spent in supervision. Fairly detailed information is scheduled to be presented at the November Board Meeting about licensing outcomes.

Dr. Russ added to Mr. Riches' comments. He spoke about the possibility of creating an incentive, as opposed to a requirement, for gaining hours of experience in certain areas. He definitely agreed the existing process is complicated and needs to be simplified.

Charlene Gonzalez, Los Angeles County Children's Services, expressed concern that information provided at that time regarding hours of experience required for MFT versus LCSW candidates did not accurately reflect LCSW efforts. Many hours of experience are gained pre-degree. She felt the documentation presented at the Committee meeting was not a fair representation of LCSW.

Mr. Riches responded that this item is not really a question about LCSW requirements but rather the MFT requirements. Still, he thinks there is information to be gathered in addressing the MFT issue from looking at what the Board does for a license group that has an overlapping scope of practice. What are the qualifications for licensure? He clarified that the discussion that is at hand is not intended to be nor is it a comprehensive evaluation of the experience; rather it is a look at

what are the license requirements. It is not about saying the LCSW experience is insufficient. It's about saying there is a structure for the MFTs that does not make sense, and one way we know it doesn't make sense is that there is a similarly situated profession that is treated very differently. Not to say the LCSWs are not up to standard. The contrast is intended to be informative, not to be a lessening of anyone's qualifications.

Mr. Wong agreed that simplicity is very important.

Olivia Loewy agreed with the need to simplify the requirements. The existing process is very complicated and challenging.

Mr. Caldwell commented about California's requirements regarding MFT licensure versus other states' requirements. He feels that it would be best for everyone to be required to have the same levels of experience in the same areas.

Ms. Riemersma stated she did not see a need to make changes. She asked that if changes were to be made, that the Board be sure it made the process simpler, not more complex.

Kim Keating, University of Phoenix, works for a government agency in L.A. County. MFTs bring "unique perspective" to community work already. The Mental Health Services Act (MHSA) as it's being deployed in L.A. County places great emphasis on providing multidisciplinary teamwork with families of juvenile delinquents. She believes MFTs are uniquely qualified in this area. However, she does believe interns shy away from working with families. She sees trainees have a difficult time figuring out how to work with children. She agreed with the suggestion of an incentive as opposed to a requirement and feels that might make interns more interested to take on cases that include families. She does not have an answer on how to simplify the process, but does think it could be beneficial.

Carla Cross, Ventura County Behavioral Health, would definitely support simplifying process.

Mr. Wong commented that he believes it is very important to be a little bit more precise on words, descriptions, and definitions. Terms such as family work, family case work, and family therapy are all being thrown together - they're not the same. His understanding is that the vast majority of child welfare workers, for example, do not provide family therapy. They do case management with families, which means they can work with families and children as a unit. The court often orders family therapy which is appropriate and fine, but usually it's not the case worker at the Department of Children and Family Services (DCFS) providing the family therapy. It's usually sent outside to a contract person or perhaps employed by the department.

Ms. Riemersma indicated that she does not have any problem with creating incentives towards the gain of family therapy hours versus family case management. But if there are going to be incentives, she feels that LCSWs should also have the opportunity to gain incentivized hours for providing family therapy.

Mr. Riches summarized that there seems to be openness to considering for the MFTs an incentive type arrangement as it relates to family therapy hours. Additional discussion will be required regarding the wording and the need for clarity. There seems to be a general agreement that it would be nice to figure out a way to make this less daunting and less complex. Mr. Riches expressed concern about the supervision ratio for interns as meriting discussion. He reported trying to create a list or discussion document to bring back to the Board; not necessarily a proposal but more a list of issues to be discussed to determine what is liked and not liked.

Dr. Russ spoke about looking at two different approaches: 1) A generalized approach similar to the approach used for MFT curriculum changes, without specific hours; 2) Looking at four things in this context - 1. Suggestions to simplify supervision. 2. Dropping workshops. 3. The possibility of looking at a family therapy incentive where, for example 500 hours equals 1000 hours with a maximum of 500 hours allowed. 4. How to include advocacy and recovery attitude. He suggested looking at those specific things and perhaps coming back to the Committee or Board with specific ideas for discussion.

Additional discussion occurred among committee members and audience.

An audience member asked if this was the appropriate time to discuss this matter as it pertains to LCSWs. Mr. Riches responded that the present discussion was intended to be related to MFTs. He agreed to put it on the agenda for the January meeting the discussion of this issue as it pertains to LCSWs.

Ms. Cross suggested a simple way to simplify MFT process would be to change the way the hours are calculated or counted while in school, and have those hours be put into the educational requirements so they are not added into the licensing requirements.

Mr. Riches asked if Ms. Cross was talking about counting only post grad hours. Ms. Cross responded that although she does not really agree with that approach, she does think it is one way of simplifying the process.

Ms. DiGiorgio stated that the issue would be brought back for further discussion.

VI. Discussion and Possible Action Regarding the Mandatory Submission of Fingerprints for Board Licensees and Registrants

Mr. Riches provided background history of the issue. The Board has been requiring submission of fingerprints since early 1990s for all applicants. A review of the current data revealed that only about half of the licensee base has been printed and been the subject of a background check. This issue was discussed by the committee at the July 2008 meeting regarding pursuing the statutory authority to require everyone to submit fingerprints. Subsequent to that conversation, Mr. Riches spoke with the Department of Consumer Affairs (DCA). There is a significant likelihood there will be a proposal in the legislature this coming year regarding this matter. The Board is working with the department on a broader proposal but wanted to inform the Committee about what was going on. He indicated a recommendation was sought from the Committee to take to the full Board that the broader initiative be supported or at a minimum, come up with an initiative specific to the Board so it can look at getting a bill in the legislature next year to get something put in place to require the fingerprinting of the balance of the licensee base.

Ian Russ moved to recommend to the Board to support the Department of Consumer Affairs' proposal in this matter or to come back with an independent recommendation. Renee Lonner seconded. The Committee voted unanimously (4-0) to approve motion.

The Committee adjourned for lunch at 12:05p.m. and reconvened at 1:09 p.m.

VII. Discussion and Possible Action on Statutory Clean-up Proposals

(The Committee requested to hear agenda item VIII at this time in order to allow LCSW audience members to return to the meeting and participate in discussion of item VII. Documentation of the discussion of Item VIII appears in sequence as it appears on the agenda.)

Ms. Rhine reported. Staff has determined that several sections of the Business and Professions Code (BPC) pertaining to the BBS require amendments. These amendments mostly add clarity and consistency to licensing law.

Amend B&P Code Section 4996.24 – Currently there is a maximum number of interns allowed under supervision in a private practice setting. Ratio is two interns per supervisor; currently there is no stipulation to the number of ASWs that can be supervised in private practice. Recommendation from staff is to create consistency in the practice setting by setting a maximum of two ASWs that may work under the supervision of a licensed professional in private practice setting.

Amend BPC Section 4996.28 – Currently after the 5th MFT intern registration renewal, interns cannot practice in a private practice setting under any subsequent registration. There is currently no similar stipulation for ASWs. This amendment would limit practice on a subsequent ASW registration to those that are not private practice settings.

Amend BPC Section 4996.23 – Previously a provision was added to the MFT licensing law stating that interns cannot lease or rent space or in any other way pay for the obligations of their employer. Staff is proposing that the same provision be added for ASWs.

Amend BPC Section 4982.2 – This item came from an issue from enforcement staff. Currently there is nothing in law stating that a registrant can petition for reinstatement or modification of penalty. Current language only refers to a licensee. There are other parts of statute that would seem to indicate the intent for the Board to allow reinstatement for registrants. This proposed amendment would add “registrant” to this code section allowing them to petition for reinstatement.

Amend BPC Section 4982(r) and 4992.3(r) – Unprofessional conduct statute currently states it is unprofessional conduct for a supervisor to engage in certain activities/behaviors within the supervision of their own licensee type: MFT to IMF or trainee; LCSW to ASW. The way that the code sections are currently written it doesn't allow for it to be considered unprofessional conduct for a supervisor supervising an individual who is a different field. The proposed amendment would be to add “ASWs, MFT Interns and trainees” to the statute so it doesn't matter who the supervisor is actually supervising but rather that it's the conduct that is at issue.

Amend BPC 4992.1 and 4989.22 – Currently in MFT and LEP statutes relating to record retention and examination policies there are provisions that are not similarly included in the LCSW statute. 1) The board cannot deny admission to the written exam if the Board received complaints against an applicant. 2) If an applicant has passed the written exam, the Board must allow the applicant to take the clinical vignette examination, regardless of the nature of the complaint. 3) The Board is allowed to deny permission to retest if the applicant has failed either the written or the clinical vignette examination if there is a complaint on file against the candidate. 4) An applicant is not eligible to take the clinical vignette examination if the passing score on the written examination is more than seven years old. (The applicant must pass the clinical vignette within 7 years of passing the standard written exam.) Said provisions are currently in statute for MFTs and LEPs. This would add similar language to the LCSW statutes.

Amend BPC Section 4996.5 – Errant reference in section. Currently language speaks about an annual renewal fee for an LCSW license. Fees are biennial, not annual. Amendment would correct the language.

Mr. Wong asked for clarification regarding the motivation behind the limitation of number of ASWs that can be supervised other than the Board wants it to be the same as MFTs.

Mr. Riches explained that this proposal was based on the same reasoning as with the MFT law; there is an issue about availability of supervision mills. The Board wants to make sure supervisees receive quality supervision experience and a function of that at some level is the number of supervisees that a private practitioner can handle at any one time, and the policy judgment reached was two. That logic applies equally in both cases in the same practice setting.

Discussion ensued regarding need for limiting the number of individuals that can be supervised in a private practice.

Ms. Riches clarified that this would not prohibit an outside supervisor under a permissible arrangement from coming in and providing supervision in an agency setting. This is speaking about a supervisee working in a private practice setting, not an agency setting.

Ian Russ moved to direct staff to sponsor the statutory changes in the upcoming legislative session. Renee Lonner seconded. The Committee voted unanimously (4-0) to pass motion.

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

Mr. Riches reported that AB 1897 passed and was signed by the Governor. Included in the legislation is recognition of the other regional accrediting bodies. That change in law is now fixed so that programs that are accredited by another regional accrediting body but operating in California - their graduates would be eligible irrespective of the 2010 date. This takes effect January 1. There are still a number of programs that are strictly approved by BBPVE; this will continue them through 2010. Mr. Riches noted that at its afternoon meeting, the Board will consider extending by regulation the Board's ability to accept those degrees through 2012.

IX. Discussion and Possible Action of Possible Revisions to the Board's Advertising Guidelines and Regulations

Ms. Rhine reported that the original discussion of this issue came before the Committee in October 2007, at which time staff was directed to revise the proposal and bring it back to the Committee. Currently statute regarding advertising directs the Board to promulgate regulations about the services that a licensee may advertise, the manner in which the services may be advertised, etc. The Board has three ways that that is done currently: 1) a policy; 2) a guideline; and 3) current regulation. At issue in the past, and currently, is the presence of inconsistencies between regulations, policy, and the guidelines. Inconsistencies include: 1) Policy requires a licensee to provide their license number on the advertisement, but the guidelines do not make such a requirement. 2) Guidelines state you have to indicate the type of license held, using a complete title or initials, but the policy says you have to use the complete title, and the regulations are not specific in this area. Staff has drafted new regulations, policy, and guidelines. Ms. Rhine reviewed the changes, starting with regulations because changes to policy and guidelines were based on the regulations.

Ms. Rhine raised another issue for discussion pertaining to supervised trainees. Currently everything in regulation, policy and guidelines has to do with supervision of interns because the Board does not currently have a regulatory relationship with trainees. She wanted to bring up that trainees are practicing but neither the policy, guidelines, or regulation would apply to them.

Dr. Russ asked if it is currently required that a trainee has to indicate that they are a trainee.

Ms. Rhine clarified that they have to “designate” that they are a trainee. Discussion was previously held with Ms. Schiedge regarding what that language means.

Ms. Schiedge offered that first the Board had to determine if there is a possibility the trainees might be advertising, either orally or in writing. If they might be then maybe a statutory change would need to occur to make sure that they have the same requirements for disclosure upon oral or written solicitation that the registrants or interns have to adhere to. There are specific requirements in statute for when they are providing services that they have to disclose up front that they are an intern, so that people know they are not licensed to practice independently. The question is should there be similar requirements for trainees, and if so then the language would mirror what exists for interns. That would be enforced through citation and fine.

Carla Cross asked, since trainees are not allowed to be in private practice, they are in an agency setting, what or how are they advertising?

Ms. Rhine responded that one possibility was through business cards.

Carla Cross stated that “advertising” would have to be defined. Is simply having a business card always considered an advertisement?

Mr. Riches responded that part of the guidance the Board gives is how to format business cards.

Discussion occurred about what agencies do in this situation.

Ms. Riemersma made several suggestions regarding existing language: 1) there should be something that clarifies that trainees need to be clear about who they are, and generally the employer is going to provide the cards but there should be specific language. 2) Regarding page 2 of the language, consider allowing LMFT (Licensed Marriage and Family Therapist). This request is made based on the national acceptance of both MFT and LMFT, as well as the fact that some clinicians in California want to use MFT while others prefer LMFT because it is more like LCSW, seems more comparable, and it is a *licensed* Marriage and Family Therapist. 3) With respect to Item D, she encouraged the Board not to allow MFTI for interns, as it is grossly misleading to the public. It needs to be clear that they hold a registration and are not fully licensed. She suggested using MFT Registered Intern or MFT Intern Registration Number in the language. It needs to be clear that that person is a registered intern to distinguish them from those who hold a license. MFTI is not sufficiently distinguishable. She finds it odd that a supervisee can use an abbreviation on the card but when they reflect the supervisor’s information they have to spell out the title. It seems more appropriate to spell out the title of the unlicensed person and allow the abbreviation to occur with the licensee.

Ms. Schiedge noted that this is taken directly from the disclosure requirements for interns so she is unsure if the Board can take a different position with respect to what is disclosed on the business card. If interns are required to disclose the complete title, she is unsure that Board can say that they can advertise differently.

Mr. Riches stated this might be inconsistent with statute. Ms. Schieldge agreed and suggested the Board might want to review the existing statute.

Ms. Riemersma recommended changing the statute.

Discussion was held regarding the impact of suggested changes to the advertising guidelines on agencies. This could be cost prohibitive.

Ms. Reimersma suggested that it could be done upon employment so as not to adversely affect employer's costs. The new requirement for regulation and/or law would only impact new employees.

Mr. Wong suggested consulting employers and encouraged the Board not to put a mandate on employers. Mr. Wong also discussed the use of the acronym ACSW (Associate Clinical Social Worker), which may be an infringement on the NASW certification of ACSW.

Dr. Russ asked Ms. Gonzalez what cards for ASWs and MFT Interns employed at DCFS currently use.

Ms. Gonzalez responded that the title, registration or license number, and department name are on the business cards. It's not about the job function and the title; it's about scope of practice. If you are doing anything that is either the MFT or LCSW scope of practice, then you must advertise your skill as that licensed person.

Ben Caldwell, Alliant International University, suggested one way to resolve one concern raised by Ms. Riemersma and Mr. Wong would be in the abbreviation for Marriage and Family Therapist Intern and Associate Clinical Social Worker. To prevent the MFTI title from being misleading, just have the abbreviation for MFTI be Registered MFT Intern so you're abbreviating the MFT part but the word intern is still spelled out. He fully agrees that MFTI can be misleading. With regard to Mr. Wong's concern about infringing on a service mark or trademark, perhaps the same thing could be done for the ASW where the CSW part can be abbreviated but the Associate part is spelled out.

Mr. Riches brought up some statutory changes as well.

Per Ms. Rhine, the statutory changes are mostly technical. They are the same changes that were presented at the Committee meeting in 2007. 1) B&P Code Section 651 talks about advertising and what is fraudulent and misleading. Changes are technical and for purposes of clarification. 2) LEP statute was edited for consistency along with the LCSW change. Main points for discussion were changes to the regulations. The main points include the need for the name, full title or acceptable abbreviation (this is a significant change as at the present pretty much any abbreviation is allowed). There is the need to be consistent. With regard to supervisor's number and title, we can look at the suggestion. Last important part involves language that Ms. Schieldge worked on including academic credentials on advertisement. In subdivision E of the proposed language it notes that the degree has to be earned. Ms. Rhine defined "earned."

Documents were provided by Ms. Rhine pertaining to these changes and issues. Ms. Rhine identified for Committee members what the various documents were.

Mr. Riches noted there was one more outstanding issue was raised by both Ms. Riemersma and Mr. Wong regarding mitigating impact of proposal. He indicated it could become a very big

enforcement issue, but if it is something the Board is interested in discussing, it is important to not lose track of it or make a decision without resolving that issue first.

Additional discussion about changes to advertising guidelines continued among Board Members and audience.

Karen Roye moved to recommend to the Board to make statutory changes as discussed, including applying the same advertising requirements to trainees. Renee Lonner seconded. The Committee voted unanimously (4-0) to pass the motion.

Ian Russ moved to recommend to the Board to initiate the rulemaking process per discussion and drafts submitted to the Committee. Karen Roye seconded. The Committee voted unanimously (4-0) to pass the motion.

Renee Lonner moved to recommend to the Board that it change Board policy to be consistent with the statutory and regulatory changes discussed. Gordonna DiGiorgio seconded. The Committee voted unanimously (4-0) to pass the motion.

Gordonna DiGiorgio moved to recommend to the Board that it change Board Guidelines to be consistent with the statutory and regulatory changes discussed. Renee Lonner seconded. The Committee voted unanimously (4-0) to pass the motion.

X. Budget Update

Mr. Riches reported. The Governor signed the budget but left other pieces of executive order in place: hiring freeze, suspended contracts, and a ban on any overtime. Requests for exemptions were submitted for: four vacancies for enforcement analysts, a vacancy for an Assistant Executive Officer and for overtime. No response had been heard as of this meeting.

Other exemptions were granted with one exception. The exemption granted is with the hiring of consultants in psychometrics and public mental health. The contract with Lindle Hatton not approved for exemption.

Mr. Riches reported on good staff morale even with Executive Order. If hiring exemptions are not approved, it will force serious reprioritization.

Licensing Program application numbers are up. The workload is increasing and lack of additional resources is affecting performance, due in large part to not enough time in the day. The Board may have to reevaluate internal operations (reallocate work). Failure to be approved for positions in the Enforcement Program could be a serious issue. Routinely it is an 18-month wait for Division of Investigation (DOI) to complete the Board's investigations, which can be seriously problematic when the statute of limitations requires disciplinary action to be initiated within 3 years from the date the Board learns of the alleged act or omission that is the basis for the disciplinary action. Time required for: a) initial review of complaint prior to referring it to DOI, b) expert evaluation of a case following completion of DOI investigation, and c) completion of Accusation by Attorney General's Office also contributes to the tight pinch. Getting things in within 36 months is difficult. Board staff may have to reallocate resources and reprioritize internal operations if positions for investigative analysts are not approved, or obtain better level of services from DOI which is unlikely.

Ms. Roye asked Mr. Riches to prepare a briefing document that outlines concerns as Mr. Riches presented to the Committee. She also asked questions to clarify exactly where Board stands with

respect to hiring. Mr. Riches provided an update regarding steps he has taken in this regard. The requested document would help the Board understand where we stand at the present time, what can be expected, what his recommendations are regarding reprioritizing, etc., so the Board can have a good idea of how it's doing in meeting previously established goals (outreach; Strategic Plan; etc.).

Ms. Roye also asked that Mr. Riches provide an update regarding the budgetary status.

Mr. Riches reported that more information would be available in January with the release of the Governor's budget. A budget letter was sent out recently requesting preparation of specific reductions by General Fund agencies. No similar notification as yet to special fund agencies such as BBS.

XI. Legislative Update

Mr. Riches reported that the Governor vetoed the MFT Curriculum bill, very unexpectedly. Also vetoed was the annual Committee bill. No changes will be made that the Board had expected to make. The same provisions will be reintroduced next year. It remains possible that the previously identified implementation date for many of the changes can still be met.

Mr. Riches referred the Committee to the report on other bills that the Board has been tracking.

Mr. Caldwell noted in regards to AB 1897, there are conflicting end dates for accepting degrees from approved programs. Mr. Riches clarified the appropriate date as July 1, 2010.

XII. Rulemaking Update

Mr. Riches stated that the rulemaking update was included for reference.

XIII. Examination Statistics

Mr. Riches stated that the examination statistics were included for reference.

XIV. Suggestions for Future Agenda Items

The first suggestion was to address the ASW hours.

Mr. Wong requested an analysis for pass/fail rates for social workers.

Ms. Reimersma indicated the need for discussion regarding mandatory CE and how to deal with trainings by people/providers outside California who refuse to apply to BBS to be provider. As a result, individuals licensed in California who are living outside the state and want to maintain a current license are trying to obtain CEs out of state but the training is not acceptable. Bottom line is continuing education has been completed but it cannot be counted to actively renew California license because the provider will not become BBS approved. Some people are not gone long enough to apply for an exception to the CE requirement.

The floor was open to public comment. No public comments were made.

The Committee adjourned at 2:28 p.m.

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

To: Policy and Advocacy Committee Members

Date: January 6, 2009

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Budget Update

2008-2009 Fiscal Year

Attached are the current expenditure reports for the 2008-09 fiscal year. Each report reflects figures as of November 30, 2008. Currently the Board's expenditure report projects that we will have a yearend balance of approximately \$390,000 in FY 2008-09. The Mental Health Services Act (MHSA) expenditure report projects approximately \$130,000 balance in FY 2008-09.

As of September 2008, our current fund condition reflects 7 months in reserve. The fund condition report notes \$9 million in outstanding general fund loans.

Executive Order S-16-08 directs that effective February 1, 2009, through June 30, 2010, all non-manager employees shall be furloughed two days per month. Essentially, this means each BBS employee will incur a 10% reduction in salary. The five managers will also incur a 10% reduction in salary. We are awaiting the specific details regarding implementation of this order from the Department.

Staff is assessing workload and current board activities to determine the impact of the order on our operations. At the February board meeting, we will be able to provide more specifics regarding the implementation of the furlough and its impact on board operations.

The Executive Order S-16-08 also directed the Department of Personnel Administration to work with state agencies and departments to initiate layoffs. In the Governor's letter dated December 19, 2008, addressed to state employees, the Governor further defined the layoffs. Specifically, the layoffs will occur in General Fund agencies. Non-General Fund agencies are exempt from layoffs. Fortunately, the Board is classified as a Non-General Fund agency therefore; board staff is not subject to layoffs.

2009-10 Fiscal Year

The Governor's latest proposal to address the budget deficit in 2009-10 Fiscal Year budget reflects a response to California's current economic situation. Specifically, the proposed budget contains numerous general fund reductions in government programs and services. As a special fund agency, the Board will not incur any reductions in funding or layoffs. Despite the reductions in the Governor's proposed budget, there is a positive note in that the budget does include the Department of Consumer Affairs budget change proposal for retroactive fingerprinting. Therefore, we plan to move forward with the implementation of this project.

Included in the Governor's proposed budget was the proposal to consolidate or eliminate various boards and agencies. This action reflects the Administration's desire to eliminate outdated functions, increase efficiency, and reduce costs. One such proposal consolidates the Board of Behavioral Sciences, the Board of Psychology, and adds the Psychiatric Technician program to establish the Board of Mental Health. The Psychiatric Technician program is currently under the Board of Vocational Nursing and Psychiatric Technicians. The Governor's consolidation proposal includes the separation of the Vocational Nursing and Psychiatric Technicians and merging Vocational Nursing and Registered Nursing into one board.

Employee furloughs will continue throughout the 2009-10 fiscal year. At this time, the impact on Board operations is unknown. However, the mandated two day furlough over the 17 month period for each employee will equal 1,190 lost days for the Board.

Attachments:

- BBS Expenditure Report FY 2008/2009(1/6/09)
- MHSA Expenditure Report FY 2008/2009 (1/6/09)
- BBS Analysis of Fund Condition (1/6/09)
- Executive Order S-16-08
- Governor Schwarzenegger's Letter to State Employees dated December 19, 2008
- Continuing the Work of the California Performance Review Consolidation Proposal

BBS EXPENDITURE REPORT FY 2008/2009

OBJECT DESCRIPTION	07/08	FY 2008/09			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 11/30/08	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,298,444	1,644,300	550,716	1,365,500	278,800
Salary & Wages (Stat Exempt)	94,224	91,128	39,260	94,224	(3,096)
Temp Help (907)(Seasonals)	44,576	105	0	40,000	(39,895)
Temp Help (915)(Proctors)	0	444	0		444
Board Memb (Per Diem)	13,700	12,900	1,300	13,000	(100)
Overtime	9,587	7,533	0	65,000	(57,467)
Totals Staff Benefits	583,222	675,619	250,838	573,510	102,109
Salary Savings		(73,601)			(73,601)
TOTALS, PERSONAL SERVICES	2,043,753	2,358,428	842,114	2,151,234	207,194
OPERATING EXP & EQUIP					
Fingerprint Reports	3,643	36,954	2,175	13,044	23,910
General Expense	58,832	47,554	17,664	60,000	(12,446)
Printing	74,714	101,847	35,616	80,000	21,847
Communication	8,686	29,200	4,248	7,781	21,419
Postage	58,963	112,435	26,711	65,448	46,987
Travel, In State	107,417	94,450	31,341	110,000	(15,550)
Travel, Out-of-State	3,010	3,500	0	0	3,500
Training	12,612	19,730	1,445	15,000	4,730
Facilities Operations	166,323	211,039	68,908	161,760	49,279
C&P Services - Interdept.	0	14,360	0	0	14,360
C&P Services-External Contracts	85,429	10,553	0	70,000	(59,447)
DEPARTMENTAL PRORATA					
DP Billing	331,489	408,104	170,045	408,104	0
Indirect Distribution Costs	300,896	352,793	146,995	352,793	0
Public Affairs	15,114	17,591	7,330	17,591	0
D of I Prorata	10,020	14,212	5,920	14,212	0
Consumer Relations Division	11,989	33,195	13,830	33,195	0
OPP Support Services	448	471	0	471	0
Interagency Services (OER IACs)	205,304	235,568	16,928	285,000	(49,432)
Consolidated Data Services	2,500	23,437	708	15,000	8,437
Data Proc (Maint,Supplies,Cont)	27,654	7,072	11,441	7,072	0
Statewide Pro Rata	193,601	211,637	105,818	211,637	0
EXAM EXPENSES					
Exam Site Rental	108,523	95,769	34,414	81,221	14,548
Exam Contract (PSI) (404.00)	352,630	400,278	136,855	305,460	94,818
Expert Examiners (404.01)	326,525	283,818	64,789	325,000	(41,182)
ENFORCEMENT					
Attorney General	449,616	443,542	237,114	470,000	(26,458)
Office of Admin. Hearing	66,380	104,568	14,817	50,017	54,551
Court Reporters	6,737	0	397	1,192	(1,192)
Evidence/Witness Fees	42,594	68,570	11,720	35,830	32,740
Division of Investigation	341,690	294,525	122,720	294,525	0
Minor Equipment (226)	33,938	33,800	11,782	33,800	0
Major Equipment (Replace/Addit)	0	5,000	0	5,000	0
TOTAL, OE&E	3,407,277	3,715,572	1,301,731	3,530,153	185,419
TOTAL EXPENDITURES	5,451,030	\$6,074,000	\$2,143,845	\$5,681,387	392,613
Fingerprints	(3,762)	(24,000)			
Other Reimbursements	(20,050)	(26,000)			
Unscheduled Reimbursements	(24,820)	0			
Total Reimbursements	(48,632)	(50,000)			
NET APPROPRIATION	5,402,398	\$6,024,000	\$2,143,845	\$5,681,387	\$392,613

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

MHSa EXPENDITURE REPORT FY 2008/09

OBJECT DESCRIPTION	2007/08	FY 2008/09			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 11/30/2008	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	35,055	64,000	26,780	66,148	(2,148)
Totals Staff Benefits	14,356	26,511	10,724	27,782	(1,271)
Salary Savings		(3,083)			(3,083)
TOTALS, PERSONAL SERVICES	49,411	87,428	37,504	93,930	(6,502)
OPERATING EXP & EQUIP					
General Expense	926	5,772	298	4,000	1,772
Printing	0	800	0	500	300
Communication	0	1,000	291	800	200
Postage	0	800	0	500	300
Travel, In State	2,515	200	64	500	(300)
Training	550	1,000	600	1,000	0
Facilities Operations	1,330	2,000	966	2,280	(280)
Minor Equipment (226) & Data Processing	2,899	0	346	500	(500)
C&P Svcs - External (402)		200,000	8,300	65,000	135,000
TOTAL, OE&E	8,220	211,572	10,865	75,080	136,492
TOTAL EXPENDITURES	57,631	\$299,000	\$48,369	\$169,010	\$129,990

Index - 3085

PCA - 18385

DGS Code - 057472

BOARD OF BEHAVIORAL SCIENCES

Analysis of Fund Condition

(Dollars in Thousands)

NOTE: \$6.0 Million General Fund Repayment Outstanding

	Actual 2007-08	2008-09	2009-10	2010-11	2011-12
BEGINNING BALANCE	\$ 6,273	\$ 7,049	\$ 3,597	\$ 3,067	\$ 2,381
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL ADJUSTED RESERVES	\$ 6,273	\$ 7,049	\$ 3,597	\$ 3,067	\$ 2,381
 REVENUES AND TRANSFERS					
Revenues:					
Fees	\$ 5,737	\$ 5,468	\$ 5,468	\$ 5,468	\$ 5,468
Interest	\$ 295	\$ 108	\$ 146	\$ 113	\$ 73
Totals, Revenues	\$ 6,032	\$ 5,576	\$ 5,614	\$ 5,581	\$ 5,541
Transfers from Other Funds					
F00683 Teale Data Center	\$ -	\$ -	\$ -	\$ -	\$ -
Tranfers to Other Funds					
General Fund Loan		(3000)			
TOTAL REVENUES AND TRANSFERS	\$ 6,032	\$ 2,576	\$ 5,614	\$ 5,581	\$ 5,541
TOTAL RESOURCES	\$ 12,366	\$ 9,625	\$ 9,211	\$ 8,648	\$ 7,921
 EXPENDITURES					
Disbursements:					
State Controller (State Operations)	\$ 5	\$ 4	\$ -	\$ -	\$ -
Program Expenditures (State Operations)	\$ 5,312	\$ 6,024	\$ 6,144	\$ 6,267	\$ 6,393
Projected Expenses (BCPs)					
TOTA	\$ 5,317	\$ 6,028	\$ 6,144	\$ 6,267	\$ 6,393
 FUND BALANCE					
Reserve for economic uncertainties	\$ 7,049	\$ 3,597	\$ 3,067	\$ 2,381	\$ 1,529
 Months in Reserve	14.0	7.0	5.9	4.5	2.9

NOTES:

ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
EXPENDITURE GROWTH PROJECTED AT 5% BEGINNING FY 2009-10

Blank Page



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR**EXECUTIVE ORDER S-16-08**

12/19/2008

WHEREAS, due to developments in the worldwide and national financial markets, and continuing weak performance in the California economy, there is an approximately \$15 billion General Fund deficit for the 2008-09 fiscal year, which without effective action, is estimated to grow to a \$42 billion General Fund budget shortfall over the next 18 months; and

WHEREAS the cash reserve in the State Treasury is below the amount established by the State Controller to ensure that the cash balance does not reach zero on any day in the month; and

WHEREAS without effective action to address the fiscal and cash crisis, the cash reserve in the State Treasury is estimated to be a negative \$5 billion in March 2009; and

WHEREAS on November 6, 2008, due to concerns regarding dramatically declining revenues, I issued a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS the Legislature failed during that Special Session to enact any bills to address the State's significant economic problems; and

WHEREAS on December 1, 2008, due to the worsening fiscal crisis, I declared that a fiscal emergency exists and convened the Legislature to meet in extraordinary session to address the fiscal crisis that California faces; and

WHEREAS on December 1, 2008, due to the fiscal emergency and the nationwide economic recession, I also issue a Special Session Proclamation and convened the Legislature of the State of California to meet in extraordinary session to address the economic crisis; and

WHEREAS on December 17, 2008, the California Pooled Money Investment Board took the unprecedented action to halt lending money for an estimated 2,000 infrastructure projects as a result of the cash crisis, including the substantial risk that California will have insufficient cash to meet its obligations starting in February 2009; and

WHEREAS in the December 1, 2008 fiscal emergency extraordinary session, the Legislature failed to effectively address the unprecedented statewide fiscal crisis; and

WHEREAS immediate and comprehensive action is needed to address the fiscal and cash crisis facing the State of California; and

WHEREAS failure to substantially reduce the deficit carried forward from the current fiscal year into the next fiscal year will likely prevent the State from being able to finance the cashflow shortages of billions of dollars, thus making it likely that the State will miss payroll and other essential services payments at the beginning of 2009; and

WHEREAS immediate and comprehensive action to reduce current spending must be taken to ensure, to the maximum extent possible, that the essential services of the State are not jeopardized and the public health and safety is preserved; and

WHEREAS State agencies and departments under my direct executive authority have already taken steps to reduce their expenses to achieve budget and cash savings for the current fiscal year; and

WHEREAS a furlough will reduce current spending and immediately improve the State's ability to meet its obligations to pay for essential services of the State so as not to jeopardize its residents' health and safety in the current and next fiscal year.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby determine that an emergency pursuant to Government Code section 3516.5 exists and issue this Order to become effective immediately:

IT IS ORDERED that effective February 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt a plan to implement a furlough of represented state employees and supervisors for two days per month, regardless of funding source. This plan shall include a limited exemption process.

IT IS FURTHER ORDERED that effective February 1, 2009 through June 30, 2010, the Department of Personnel Administration shall adopt a plan to implement an equivalent furlough or salary reduction for all state managers, including exempt state employees, regardless of funding source.

IT IS FURTHER ORDERED that effective January 1, 2009 through June 30, 2010, the Department of Personnel Administration shall work with all State agencies and departments to initiate layoffs and other position reduction and program efficiency measures to achieve a reduction in General Fund payroll of up to ten percent. A limited exemption process shall be included.

IT IS FURTHER ORDERED effective January 1, 2009, the Department of Personnel Administration shall place the least senior twenty percent of state employees funded in any amount by General Fund resources on the State Restriction of Appointment (SROA) list.

IT IS FURTHER ORDERED that effective January 1, 2009 through June 30, 2010, all State agencies and departments under my direct executive authority, regardless of funding source, are prohibited from entering into any new personal services or consulting contracts to perform work as a result of the furloughs, layoffs or other position reduction measures implemented as a result of this Order.

IT IS REQUESTED that other entities of State government not under my direct executive authority, including the California Public Utilities Commission, the University of California, the California State University, California Community Colleges, the legislative branch (including the Legislative Counsel Bureau), and judicial branch, implement similar or other mitigation measures to achieve budget and cash savings for the current and next fiscal year.

This Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person.

I FURTHER ORDER that, as soon as hereafter possible, this Order shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of December, 2008.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



GOVERNOR ARNOLD SCHWARZENEGGER

December 19, 2008

Dear State Worker,

Our state's fiscal crisis has worsened dramatically in the past few weeks without legislative action to address our budget crisis. We face an approximately \$15 billion General Fund deficit this fiscal year, and that number is estimated to grow to \$42 billion over the next 18 months. Without immediate action, the state will not have enough cash to meet its obligations starting in February.

Californians can be proud of the services you provide day in and day out, and I appreciate your dedication and work. But it is imperative that state government look inside itself and be part of the solution. We simply have no other choice. The emergency steps I am announcing will require sacrifices from everyone, including those in my own office. As difficult as these measures are, I know you will maintain your high standards of public service.

Please bear in mind that the actions outlined below are just part of a larger response we're initiating to address the state's imminent cash and budget crisis. I have made many difficult proposals to cut government services and raise revenues to resolve our financial problems beyond those impacting state workers. I am now compelled to take the following steps beginning next year:

- **Furloughs:** Beginning February 1, 2009, and lasting through June 30, 2010, rank-and-file employees will be furloughed two days per month. For employees who are not part of a bargaining unit (*i.e.*, exempt appointees, career executive assignment employees, supervisors and managers), we will implement an equivalent furlough or salary reduction plan effective February 1, 2009. We intend to implement these measures in a way that does not affect your retirement.
- **Layoffs:** I have instructed the Department of Personnel Administration to work with state agencies to initiate layoffs, reductions and other efficiencies to achieve General Fund savings of up to 10 percent starting February 1, 2009. This is in addition to reductions that I have already ordered for the current fiscal year. Employees in General Fund positions in the bottom 20 percent of seniority will receive "surplus" notices within the next month. Employees who receive these notices will not necessarily be laid off, and they will have hiring preference for non-General Fund positions for which they qualify.

Furloughs and the issuance of surplus notices are intended to minimize the impacts of layoffs to be phased in next year. I regret having to take these steps, but I wanted you to hear directly from me about them so you know what to expect.

December 19, 2008
Page two

The nation's economy has left many families vulnerable and worried. The last thing we wanted was to compound these worries for our own employees. Nevertheless, we have an obligation to the people we serve to make whatever sacrifices are necessary to maintain essential services and programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger". The signature is written in a cursive, flowing style with a large initial "A".

Arnold Schwarzenegger

Continuing the Work of the California Performance Review

Over the past five years, the Administration has worked to eliminate outdated functions, become more efficient, eliminate redundancy and reduce costs. The state's unprecedented budget shortfall presents an opportunity for state government to increase efficiency, spend less and eliminate duplication and functions that are not absolutely critical.

The administration proposes to follow up on the work of the California Performance Review (CPR) conducted in Governor Schwarzenegger's second year in office. Many of the CPR's recommendations have already been implemented. The budget and its implementing legislation propose the following changes to promote efficiency:

- Consolidate the Postsecondary Education Commission and the Student Aid Commission for a savings of \$2 million.
- Realign the California Conservation Corps, for a savings of \$17 million in 2009-10, growing to \$24 million in the out years.

In addition, the Administration will submit the following legislative proposals to further improve governmental efficiency:

- Streamlining and realignment of certain energy functions now performed by the Public Utilities Commission, the Energy Commission and Department of Water Resources.
- Consolidation of certain state information technology functions under the Office of the Chief Information Officer to improve coordination and efficiency and capture major efficiencies in procurement and technology implementation.
- Consolidation or realignment of recycling and cleanup, spill prevention and pollution prevention programs, including the elimination of the Integrated Waste Management Board.
- Consolidation of the Board of Geologists and Geophysicists into a related entity.
- Consolidation of the Professional Fiduciaries Bureau with the Board of Accountancy.
- Consolidation of Behavioral Sciences, Psychiatric Technicians and the Board of Psychology.
- Consolidation of the Hearing Aid Dispensers Bureau with the Speech-Language Pathology and Audiology Board.
- Consolidation of the Licensed Vocational Nurses with the Board of Registered Nurses.
- Consolidation of real estate functions within the Department of State Parks and the Wildlife Conservation Board.
- Elimination of the Court Reporters Board (continued oversight by the State Bar).
- Elimination of the Inspection and Maintenance Review Committee (continued by Bureau of Automotive Repair).
- Elimination of the Landscape Architects Technical Committee (licensing to continue under the Architects Board).
- Elimination of the Bureau of Naturopathic Medicine.
- Elimination of the Telephone Medical Services Bureau.
- Elimination of Permitting of Child Actors (continued through local school districts, which does all other child labor permits).

Blank Page

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

To: Policy and Advocacy Committee

Date: January 7, 2009

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Video Supervision

Marriage and Family Therapist Interns (IMF) and Associate Clinical Social Workers (ASW) are required to obtain a minimum of one hour of direct supervision per week for a minimum of 104 weeks. Current law requires that all this supervision be in person. In 2007 the board voted to sponsor legislation allowing up to 30 hours of supervision to be provided by live video teleconference when the supervisee is providing services in a governmental, educational, or non-profit organization. That proposal was introduced in legislation in 2008 that was vetoed in the fallout from the budget impasse. The veto is not related to a policy problem with the proposal. Staff will resubmit the legislation in 2009.

Video supervision would make supervision more available in underserved areas of the state where there are not enough licensed therapists available to provide supervision. While video conferencing does require significant investment in technology, that technology is increasingly available in rural areas. During the board's visit to Tulare County in 2007, the local mental health agency we observed did have such capability and specifically requested that video supervision be permitted.

In December 2008, the board received a request from the California Mental Health Directors Association, the Mental Health Association of California, the California Council of Community Mental Health Agencies and the Association of Community Human Service Agencies to increase the allowable number of hours for video supervision to 160. Their letter requesting this action is attached for your review. Also attached for your reference is the proposed language sponsored by the board in the 2008 legislation.

This would allow most associate clinical social workers to complete the entirety of their supervision by video conference and most marriage and family therapist interns could complete approximately one-half of their supervision by video conference. The differential impact between the professions is due to the distinct supervision requirements for the two professions. A more detailed discussion regarding this requirements is on the agenda under item VII of this agenda.

Staff is seeking a recommendation from the committee regarding this proposal.

Blank Page

**PROPOSED LANGUAGE
SUPERVISION VIA VIDEOCONFERENCING**

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

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

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

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

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

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

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

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

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

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

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

(l) Associates shall not do the following:

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

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

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

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

Blank Page



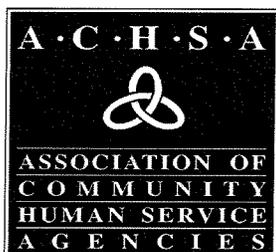
December 11, 2008

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

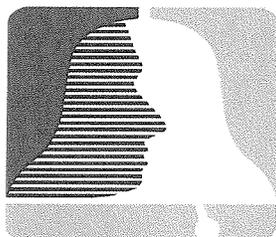
Dear Mr. Riches:



We would like to take this opportunity to thank the California Board of Behavioral Sciences for last year's efforts to reduce the shortage of licensed mental health workers in California, and specifically for its advocacy on behalf of the passage of Senate Bill 1218 and Senate Bill 1779 to allow for the provision of a portion of pre-license clinical supervision for certain Marriage and Family Therapist Interns and Associate Clinical Social Workers to be done via two-way, real-time videoconferencing. The Board's recognition of the extreme difficulties faced by the state's rural areas in "growing" local licensed mental health staff was very encouraging despite the Governor's eventual veto of both proposed bills.



We strongly encourage the BBS to resume its efforts to introduce legislation that will amend the California Code to permit the utilization of two-way, real-time videoconferencing. In addition, we ask that the BBS support the increased number of allowable hours of this type of supervision from the 30 total hours proposed last year to 160 total hours. This increase from approximately 10% of total supervision time to 50% of total supervision time will make a significant contribution towards addressing the licensed mental health worker shortage not only in rural areas but throughout the state. Moreover, we believe that the increased allowance will aid in the development of a more effective relationship between the video-based clinical supervisor and the Trainee/Associate.



Mental Health Association
In California

We look forward to discussing this request with you or any Board advisory body. Thank you for your continued support in addressing this critical need in an innovative fashion for California's mental health system.

Sincerely,

Harriet Markell
Association Director
California Council of
Community Mental Health Agencies

Patricia Ryan
Executive Director
California Mental Health
Directors Association

Rusty Selix
Executive Director
Mental Health Association in California

Bruce Saltzer
Executive Director
Association of Community
Human Service Agencies

Blank Page

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

To: Policy and Advocacy Committee Members **Date:** January 8, 2009

From: Tracy Rhine **Telephone:** (916) 574-7847
Legislative Analyst
Board of Behavioral Sciences

Subject: Clean-up of Unprofessional Conduct Statute and Regulation

Background

Business and Professions Code Sections 4982, 4989.54 and 4992.3 set forth the Board's unprofessional conduct provisions for Marriage and Family Therapists (MFTs), Licensed Educational Psychologists (LEPs) and Licensed Clinical Social Workers (LCSWs), respectively. Conduct described in these code sections can result in the suspension or revocation of a license by the Board.

Additionally, Title 16 of the California Code of Regulations (CCR), Sections 1845, 1858 and 1881 also describe acts that constitute unprofessional conduct by Board licensees which also can result in the suspension or revocation of a license by the Board.

Issue

Currently there are six different sections of law that outline licensee and registrant unprofessional conduct. Additionally – only three of those sections exist in statute while the other three unprofessional conduct sections are set in regulation. This can pose a problem for consumers, licensees and board staff as finding all of the unprofessional conduct provisions can be cumbersome, especially to consumer and licensees that may not be familiar with the structure of the law.

Moreover, though most of the provisions in the unprofessional conduct regulations also appear in the unprofessional conduct statutes, some do not. This may cause confusion for licensees and consumers that are unaware of the differing provisions in regulation and statute. Also – though similar provisions appear in statute as in the regulation, some minor word differences may cause uncertainty as to the significance of a provision appearing in two different forms, in two different locations.

Staff Recommendation

In order to create consistency and lessen confusion for Board staff, consumers and licensees, staff recommends that the Committee discuss and review the attached proposed statutory language that will do the following:

- Include within BPC section 4989.54, in LEP licensing law, two unprofessional conduct provisions currently included in 16 CCR section 1858. These two provisions state that it is unprofessional conduct for an LEP to:
 - Impersonate another or allow any other person to use his or her license.
 - Permit a person under the licensee's supervision or control to perform or permit such a person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.
- Incorporate a provision into BPC section 4992.3 that would state that a LCSW shall limit access to a psychological test or other assessment device to persons with professional interest who are expected to safeguard their use. This language currently exists in 16 CCR section 1881 that sets forth the unprofessional conduct provisions for LCSWs.

If the Board approves the attached statutory changes and legislation making those changes is signed into law, the Board can file to have the unprofessional conduct provisions in regulation repealed, creating a central location (statute) as the source of unprofessional conduct provisions for licensees, consumers and Board staff. By deleting redundant references and inconsistent language the Board's unprofessional conduct provisions will be more easily accessible and understandable.

Discussion

16 CCR Section 1881 sets forth the unprofessional conduct provisions related to the practice of LCSWs. In statute, BPC section 4992.3 sets forth these same unprofessional conduct provisions for LCSWs, with the following differences:

- Regulation describes unprofessional conduct as it relates to gross negligence as, "Commits an act or omission which falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence." Statute simply states this provision as "Gross negligence or incompetence in the performance of clinical social work."
- Regulation adds the following provision to unprofessional conduct related to the invalidation of psychological tests, "The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use."

The Committee may wish to discuss the merits of incorporating the above regulatory language into statute.

Recommended Committee Action

Recommend to the Board to direct staff to initiate Board sponsored legislation.

Unprofessional Conduct Statute – Business and Professions Code

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

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

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

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

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

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

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

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

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

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

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

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

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States or by any other governmental agency, on a license, certificate, or registration to practice educational psychology or any other healing art. A certified copy of the disciplinary action, decision, or judgment

shall be conclusive evidence of that action.

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

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

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

(l) Misrepresentation as to the type or status of a license held by the licensee or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

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

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

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

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

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

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

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

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

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

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

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

(x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(y) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(z) Impersonation of another by any licensee or applicant for a licensee, or allowing any other person to use his or her license

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

BPC 4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or

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

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

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

or her care.

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

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

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

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

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

- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.
- (l) Performing, or holding one's self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker or intern under supervision to perform any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use.
- (r) Any conduct in the supervision of any registered associate clinical social worker or intern by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (t) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(u) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(v) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(w) Failure to comply with Section 2290.5.

(x) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

Unprofessional Conduct Regulations - Title 16, California Code of Regulation

§1845. UNPROFESSIONAL CONDUCT

As used in Section 4982 of the code, unprofessional conduct includes, but is not limited to:

- (a) Performing or holding himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.
- (b) Permitting a trainee or intern under his or her supervision or control to perform or permitting the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience.
- (c) Failing to comply with the child abuse reporting requirements of Penal Code Section 11166.
- (d) Failing to comply with the elder and dependent adult abuse reporting requirements of Welfare and Institutions Code Section 15630.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.60 and 4982, Business and Professions Code; and Section 11166, Penal Code, and Section 15630, Welfare and Institutions Code.

§1858. UNPROFESSIONAL CONDUCT

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

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

Note: Authority cited: Section 4989.18, Business and Professions Code. Reference: Sections 4989.18 and 4989.54, Business and Professions Code.

§1881. UNPROFESSIONAL CONDUCT

The board may suspend or revoke the license of a licensee or may refuse to issue a license to a person who:

- (a) Misrepresents the type or status of license held by such person or otherwise misrepresents or permits the misrepresentation of his or her professional qualifications or affiliations.
- (b) Impersonates a licensee or who allows another person to use his or her license.
- (c) Aids or abets an unlicensed person to engage in conduct requiring a license.
- (d) Intentionally or recklessly causes physical or emotional harm to a client.
- (e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.

(f) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of a Licensed Clinical Social Worker.

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

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

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

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

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

(l) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use.

(m) Commits an act or omission which falls sufficiently below that standard of conduct of the profession as to constitute an act of gross negligence.

(n) Pays, accepts or solicits any consideration, compensation or remuneration for the referral of professional clients. All consideration, compensation or remuneration must be in relation to professional counseling services actually provided by the licensee. Nothing in this section shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for such collaboration except when disclosure of such fee is made in compliance with subparagraph (j) above.

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

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

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Sections 4990.14, 4992.3, 4992.33 and 4996.11, Business and Professions Code; Section 11166, Penal Code, and Section 15630, Welfare and Institution Code.

Unprofessional Conduct Statute – Business and Professions Code

BPC 4982. The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

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

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

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

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

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

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

- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.
- (l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee or registered intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered intern or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

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

(t) Permitting a trainee or registered intern under one's supervision or control to perform, or permitting the trainee or registered intern to hold himself or herself out as competent to perform, professional services beyond the trainee's or registered intern's level of education, training, or experience.

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

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

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(z) Failure to comply with Section 2290.5.

(aa) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States or by any other governmental agency, on a license, certificate, or registration to practice educational psychology or any other healing art. A certified copy of the disciplinary action, decision, or judgment

shall be conclusive evidence of that action.

- (i) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a clinical social worker or marriage and family therapist.
- (j) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (k) Gross negligence or incompetence in the practice of educational psychology.
- (l) Misrepresentation as to the type or status of a license held by the licensee or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (m) Intentionally or recklessly causing physical or emotional harm to any client.
- (n) Engaging in sexual relations with a client or a former client within two years following termination of professional services, soliciting sexual relations with a client, or committing an act of sexual abuse or sexual misconduct with a client or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed educational psychologist.
- (o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services or the basis upon which that fee will be computed.
- (p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients.
- (q) Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (r) Performing, holding himself or herself out as being able to perform, or offering to perform any professional services beyond the scope of the license authorized by this chapter or beyond his or her field or fields of competence as established by his or her education, training, or experience.
- (s) Reproducing or describing in public, or in any publication subject to general public distribution, any psychological test or other assessment device the value of which depends in whole or in part on the naivete of the subject in ways that might invalidate the test or device. An educational psychologist shall limit access to the test or device to persons with professional interests who can be expected to safeguard its use.
- (t) Aiding or abetting an unlicensed person to engage in conduct requiring a license under this chapter.
- (u) When employed by another person or agency, encouraging, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.

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

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

(x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(y) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

BPC 4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

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

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

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

or her care.

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

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

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

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

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

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

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

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

- (l) Performing, or holding one's self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker or intern under supervision to perform any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered associate clinical social worker or intern by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.
- (t) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.
- (u) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.
- (v) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.
- (w) Failure to comply with Section 2290.5.
- (x) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute

unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

Blank Page

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

To: Policy and Advocacy Committee Members **Date:** January 8, 2009

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

Subject: **Licensed Educational Psychologists Continuing Education Requirement**

Background

Senate Bill 1475, Chapter 659, Statutes of 2006, established a continuing education (CE) requirement for Licensed Educational Psychologist (LEPs), requiring 150 hours every five years, consistent with that required for school psychologists at that time. However, legislation in 2006 (SB 1209, Chapter 517, Statutes of 2006) deleted the requirement of 150 hours of professional development, effective January 1, 2007.

Subsequently, the board sponsored legislation in 2007 to change the CE requirement for LEPs to 36 hours every two years, consistent with Marriage and Family Therapists (MFTs) and Licensed Clinical Social Workers (LCSWs). The Governor signed into law SB 1048, Chapter 588, Statutes of 2007 and the 36 hours CE requirement for LEPs went into effect January 1, 2008 (Business and Professions Code §4989.34).

Problem

Business and Professions Code section 4989. 34 requires a LEP, upon renewal of his or her license, to provide proof of not less than 36 hours of approved CE in the preceding two years. However, the board must adopt regulations to administer the statutory mandate. The board has not yet adopted regulations related to LEP CE.

Previous Action

At its November 18, 2008 meeting the Board directed staff to change the implementation provisions of the proposed rulemaking to allow for a staggered implementation of the CE requirements. Specifically, the revised proposal before the Committee today does the following:

- Requires an LEP applying for license renewal from January 1, 2011 through December 31, 2011 to complete at least eighteen (18) hours of CE prior to his or her license renewal and, beginning January 1, 2012, requires that a licensee meet all CE requirements (the full 36 hours);
- Requires an LEP to complete at least 18 hours of CE in his or her initial renewal period, consistent with all other Board licensees; and,

- Requires an LEP to complete specific coursework upon his or her first renewal after January 1, 2011. This specific coursework is consistent with the requirements set forth for MFT and LCSW licensure or renewal and includes training and education in AIDS awareness, human sexuality, child abuse detection, substance abuse, aging and long-term care, spousal abuse and law and ethics.

Previously Approved Regulatory Changes

The attached regulatory proposal includes changes previously approved by the Board at its May 31, 2007 meeting related to exceptions from CE requirements.

Recommendation

Recommend to the Board to direct staff to initiate the rulemaking process.

ATTACHMENTS

Draft rulemaking language

§1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of marriage and family therapists ~~and clinical social workers, licensed educational psychologists~~ by Sections 25, ~~and 4980.41 and 4989.34~~ of the Code shall:

- (a) Consist of a minimum of ten (10) hours of training or coursework.
- (b) Include the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior or sexual disorders.
- (c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:
 - (1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or
 - (2) An educational institution approved by the Bureau for Private Postsecondary and Vocational Education pursuant to Sections 94900 and 94901 of the Education Code, including extension courses offered by such institutions; or
 - (3) A continuing education provider approved by the board; or
 - (4) A course sponsored by a professional association; or
 - (5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

(d) A Licensed Educational Psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2011.

Note: Authority cited: Sections 4980.60, ~~4989.34~~ and 4990.14, Business and Professions Code. Reference: Sections 25, 4980.41, 4980.54, ~~4989.34~~ and 4996.22, Business and Professions Code.

§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

In addition to all other requirements for licensure ~~A~~ all persons applying for a license or renewal of a license as a marriage and family therapist or clinical social worker or applying for renewal of a license as an educational psychologist shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation to the board. The coursework or training in child abuse assessment and reporting shall consist of not less than 7 classroom hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall be:

- (a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, pursuant to Sections 94900 and 94901 of the Education Code; or

(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or

(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or

(d) Obtained from a continuing education provider approved by the board.

(e) Completed after January 1, 1983.

(f) A Licensed Educational Psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2011.

Note: Authority cited: Sections 28, 4980.60, 4989.34 and 4990.14, Business and Professions Code. Reference: Sections 28, 4980.54, 4989.34 and 4996.22, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

§1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

(a) The instruction and training in alcoholism and other chemical substance dependency required by Sections 4980.41, 4980.80, 4980.90, 4989.34, 4996.2, and 4996.17 of the Code shall consist of not less than fifteen hours of classroom training or coursework and shall include each of the following areas:

(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.

(2) Medical aspects of alcoholism and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the abuser and family.

(9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

(b) For persons subject to Section 4980.41 (d) of the Code, the training or coursework shall be:

(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832

of these regulations or is approved by the Bureau for Private Postsecondary and Vocational Education pursuant to Sections 94900 and 94901 of the Education Code;

(c) For all others, the training or coursework shall be:

(1) Obtained from the educational institutions identified in subsection (b) (1); or

(2) Obtained from or sponsored by a local, county, state or federal governmental entity;
or

(3) Obtained from a licensed health facility; or

(4) Obtained from a continuing education provider approved by the board.

(d) A licensed educational psychologist that renews his or her license on or after January 1, 2010 shall receive not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency that shall include classroom training or coursework in each of the following areas:

(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.

(2) Medical aspects of alcoholism and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the abuser and family.

(9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

(e) Training and coursework received pursuant to subsection (d) of this section shall be obtained as provided in subsection (c) of this section.

Note: Authority cited: Sections 4980.60, 4989.34 and 4990.14, Business and Professions Code. Reference: Sections 4980.41, 4980.80, 4980.90, 4989.34, 4996.2, and 4996.17 Business and Professions Code.

§1819.1. CONTINUING EDUCATION PROVIDER FEES

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

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, AND LICENSED CLINICAL SOCIAL WORKERS AND LICENSED EDUCATIONAL PSYCHOLOGIST

§1887. DEFINITIONS

As used in this article:

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

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

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

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

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

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, and 4989.34 Business and Professions Code.

§1887.1. LICENSE RENEWAL REQUIREMENTS

(a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, ~~and 4996.22~~ and 4989.34 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing

a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), ~~and 4992.3(b)~~ and 4989.54(b) of the Code.

(c) Licensed educational psychologists shall be subject to the license renewal requirements of this section as specified:

(1) Beginning January 1, 2011 and through December 31, 2011 licensees shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed eighteen (18) hours of continuing education credit as set forth in Section 4989.34 of the Code.

(2) On and after January 1, 2012 licensees shall meet all of the requirements of subdivisions (a) and (b).

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.20~~ Business and Professions Code. Reference: Sections 4980.54, ~~4989.34~~ and 4996.22, Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

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

(b) Beginning January 1, 2011 and through December 31, 2011 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal,

~~(b)~~ (c) A licensee is exempt from the continuing education requirement if ~~their~~ his or her license is inactive pursuant to Sections 4984.8, 4989.44 or and 4997 of the Code.

~~(c)~~ (d) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (New 2/09) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period. ~~The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:~~

(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:

~~(4)~~ (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

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

~~(3)~~ (2) The board may grant a reasonable accommodation if, ~~During for at least one year during~~ the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee ~~has~~ is the primary responsibility for the care of caregiver for that family member, ~~was suffering from or suffered~~ had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with ~~special~~ expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must ~~include~~ be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636(New 2/09).

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and~~

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

Note: Authority Cited: Sections 4980.54, 4980.60, ~~4989.34~~ ~~4990.14~~ ~~4990.20~~, and 4996.22, Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, ~~4989.34~~ and 4996.22, Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

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

~~(b) Pursuant to Section 29 of the Code~~, a A licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

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

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

(d) A Licensed Education Psychologist shall complete a minimum of fifteen (15) contact hours of course work in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics during his or her first renewal on or after January 1, 2011.

(e) A Licensed Educational Psychologist shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after January 1, 2011. This course shall include, but it not limited to, the biological, social, and psychological aspects of aging

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

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

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

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

(k) Provisions of section shall apply to licensed educational psychologist as follows:

(2) Beginning January 1, 2011 and through December 31, 2011 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision(b) through(k).

(3) On and after January 1, 2012 licensees shall meet the requirements of subdivision (a) through (k)

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.20~~ Business and Professions Code. Reference: Sections 29, 32, 4980.54, ~~4989.34~~ and 4996.22, Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology or clinical social work and meet the requirements set forth in Sections 4980.54, ~~4989.34~~ and 4996.22 of the Code. The content of a course shall also be related to direct or indirect patient/client care.

(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).

- (2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).
- (b) A provider shall ensure that a course has specific objectives that are measurable.
- (c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20 Business and Professions Code. Reference: Sections 4980.54 and 4996.22, and 4989.34 Business and Professions Code.

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

- (a) One hour of instruction is equal to one hour of continuing education credit.
- (b) One academic quarter unit is equal to ten (10) hours of continuing education credit.
- (c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.14, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

§1887.6. CONTINUING EDUCATION PROVIDERS

A continuing education course shall be taken from:

- (a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34 or 4996.22(d)(1) of the Code; or
- (b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20 Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22 Business and Professions Code.

§1887.7. BOARD-APPROVED PROVIDERS

- (a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.
- (b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800_37A-633, ~~new 5/97~~ revised 02/09), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.
- (c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.
- (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.
- (e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.
- (f) Board-approved provider numbers are non-transferable.

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

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20 Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:

(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;

(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or

(3) a provider makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the three license types regulated by the board. The decision of the continuing education appeals committee is final.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

§1887.9. COURSE ADVERTISEMENTS

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

(a) the provider's name;

(b) the provider number, if a board-approved provider;

(c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";

(d) the provider's policy on refunds in cases of non-attendance by the registrant; and

(e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

§1887.10. COURSE INSTRUCTOR QUALIFICATIONS

(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

- (1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;
- (2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;
- (3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or
- (4) at least two years' experience in an area related to the subject matter of the course.

(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34 and 4996.22, Business and Professions Code.

§1887.11. RECORDS OF COURSE COMPLETION

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) provider number, if a board-approved provider;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, ~~and~~ 4996.22, and 4989.34 Business and Professions Code.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:

- (1) syllabi for all courses;
- (2) the time and location of all courses;
- (3) course advertisements;
- (4) course instructors' vitae or resumes;
- (5) attendance rosters with the names and license numbers of licensees who attended the courses;
- (6) sign-in sheets; and
- (7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

1887.13 RENEWAL OF EXPIRED APPROVAL

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

- (a) Filing an application for renewal on a form prescribed by the board.
- (b) Payment of the renewal fee in effect on the last regular renewal date.
- (c) Payment of the delinquency fee in effect on the last regular renewal date.
- (d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority Cited: Sections 4980.60 and 4980.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL

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

- (a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and
- (b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60, ~~and~~ 4980.20 and 4989.43, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, Business and Professions Code.

Blank Page

**BOARD OF BEHAVIORAL SCIENCES**

400 R STREET, SUITE 3150, SACRAMENTO, CA 95814
 TELEPHONE: (916) 445-4933
 WEBSITE ADDRESS: <http://www.bbs.ca.gov>



STATE OF CALIFORNIA
CONTINUING EDUCATION (CE)
PROVIDER APPLICATION
 1800 37A-633(-REV. 02/09)

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

CONTINUING EDUCATION (CE)
PROVIDER APPLICATION
\$200 FEE (Non-refundable)

(please type or print clearly in ink - use additional paper as necessary)

For Office Use Only:

Cashiering No.: _____

File No. _____

Approval No.: _____

1. PROVIDER NAME <i>(limited to 40 characters)</i>		2. BUSINESS PHONE NUMBER ()	
3. MAILING ADDRESS <i>(street address, city, state, zip)</i>			
EMAIL OR WEBSITE ADDRESS <i>(optional)</i>	TAXPAYER ID NUMBER	WILL OFFER ON-LINE COURSES YES <input type="checkbox"/> NO <input type="checkbox"/>	
4. ORGANIZATION TYPE <i>(select one)</i>			
<input type="checkbox"/> association	<input type="checkbox"/> 4-yr institution of higher learning	<input type="checkbox"/> non-profit corporation	
<input type="checkbox"/> licensed health facility	<input type="checkbox"/> other educational organization	<input type="checkbox"/> partnership	
<input type="checkbox"/> governmental agency	<input type="checkbox"/> corporation	<input type="checkbox"/> individual;	
<input type="checkbox"/> other <i>(please specify):</i>		TYPE: _____ LIC. # _____	
5. CALIF. DEPT. OF CONSUMER AFFAIRS LICENSES/REGISTRATIONS <i>(list those held only by the provider)</i>			
type _____	number _____	expiration date _____	
type _____	number _____	expiration date _____	
5. HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD BEFORE? YES <input type="checkbox"/> NO <input type="checkbox"/>			
IF APPROVED, PCE # _____		IF DENIED, DATE OF DENIAL _____	
6. CE COORDINATOR NAME		7. CE COORDINATOR PHONE NUMBER ()	
8. COURSE SUBJECT MATTER(S) <i>(list subject matter - attach course outlines and an explanation of how each course relates to the scope of practice for LCSWs, LEPs or MFTs)</i>			

9. INSTRUCTOR QUALIFICATIONS (*check all that apply - attach instructor resumes*)

- license, registration, or certificate in an area related to the course subject matter
- master's or higher degree in an area related to the course subject matter
- training, certification, or teaching experience in subject matter related to the course subject matter
- at least 2 years' experience in an area related to the course subject matter
- other (*please specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CE Coordinator Signature

Date

1800-37A-633 (NEW 5/97)

- PLEASE ALLOW 6 TO 8 WEEKS FOR PROCESSING -

CE PROVIDER APPLICATION INSTRUCTIONS

SUBMIT YOUR COMPLETED APPLICATION AND FEE TO THE:
~~BOARD OF BEHAVIORAL SCIENCES, CONTINUING EDUCATION~~
~~PROGRAM, 400 R STREET, SUITE 3150, SACRAMENTO, CA~~
~~95814-6240.~~

BOARD OF BEHAVIORAL SCIENCES
CONTINUING EDUCATION PROGRAM
1625 NORTH MARKET BLVD. SUITE S200
SACRAMENTO, CA 95834

1. ~~**PROVIDER NAME**~~ **PROVIDER NAME:** Full full-business name or individual's name (limited to 40 characters)
NOTE: *If provider is an individual, the provider will be listed by last name then first name.*
2. ~~**BUSINESS PHONE NUMBER**~~ **BUSINESS PHONE NUMBER:** ~~The~~ the business phone number will be provided to licensees upon request.
3. ~~**MAILING ADDRESS**~~ **MAILING ADDRESS:** ~~This the~~ mailing address will be provided to licensees upon request is public information and will be placed on the internet.
4. ~~**ORGANIZATION TYPE**~~ **ORGANIZATION TYPE:** ~~The~~ the primary organization type of the provider - collected for statistical purposes.
5. ~~DCA LICENSES/REGISTRATIONS:~~ licenses/registrations issued by any licensing board or committee under the California Department of Consumer Affairs (Board of Behavioral Sciences, Board of Psychology, Board of Registered Nursing, etc.) which are held by the **provider** — do **not** list any licenses or registrations which are held by just the CE coordinator or instructors
5. **HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD:** This information is requested for historical purposes only and will not have any bearing on your current request for approval.
6. ~~**CE COORDINATOR NAME**~~ **CE COORDINATOR NAME:** ~~The~~ the individual responsible for administering the provider's CE program – this person will be the primary contact for the Board of Behavioral Sciences.
7. ~~**CE COORDINATOR PHONE NUMBER**~~ **CE COORDINATOR PHONE NUMBER:** ~~The~~ the CE Coordinator's phone number if different from business phone number will **not** be provided to licensees.
8. ~~**COURSE SUBJECT MATTER(S)**~~ **COURSE SUBJECT MATTER:** ~~A~~ a description of the types of subject matter to be covered in future MFCCMFT/LCSW courses offered by the provider. ~~This~~ —this list does not have to be all-inclusive - but must include documentation that ~~which~~ demonstrates subject matter (e.g., ads, course outlines, catalogs). ~~If~~ —if the provider does not have any courses planned at this time, list a sampling of the courses provided in the past.
9. ~~**INSTRUCTOR QUALIFICATIONS**~~ **INSTRUCTOR QUALIFICATIONS:** ~~Each~~ each instructor must have at least two of the four qualifications listed – check all ~~the~~ boxes that apply and include documentation (e.g., resumes, curriculum vitae, biographical synopses) which ~~that~~ demonstrates qualifications for a **sampling** (one to four) of the instructors.

INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

The information provided on this application is maintained by the Executive Officer of the Board of Behavioral Sciences, 400 R Street, Suite 3150, Sacramento, CA 95814-6440, 1625 North Market Blvd., Suite S200, Sacramento, CA 95834, under the authority granted by the Business and Professions Code, Division 2, Chapter 13, Article 1, Section 4980.54, and Chapter 14, Article 4, Section 4996.22.

→→→ **IT IS MANDATORY THAT YOU PROVIDE ALL INFORMATION REQUESTED. OMISSION OF ANY ITEM OF INFORMATION WILL RESULT IN THE APPLICATION BEING REJECTED AS**

INCOMPLETE.

Your completed application becomes the property of the Board of Behavioral Sciences and will be used by authorized personnel to determine your eligibility for approval as a provider of continuing education. Information on your application may be transferred to other governmental or law enforcement agencies.

You have the right to review the records maintained on you by the Board ~~board~~ unless the records are identified as confidential information pursuant to the Public Records Act or are exempted by Section 1798.40 of the Civil Code. You may gain access to the information by contacting the Board ~~board~~ at the above address.

STATE OF CALIFORNIA
**REQUEST FOR CONTINUING EDUCATION
 EXCEPTION—VERIFICATION OF DISABILITY OR
 MEDICAL CONDITION**
 1800 37A-636 (NEW 02/09)

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

This form must be received by the Board at least sixty (60) days prior to the expiration date of the license.

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

(Please type or print clearly in ink)

For Office Use Only:

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

Part 1 - To be completed by applicant/licensee

*NAME: Last First Middle

BUSINESS TELEPHONE:

RESIDENCE TELEPHONE:

ADDRESS OF RECORD: Number and Street

City

State

Zip Code

*SOCIAL SECURITY NUMBER:

LICENSE NUMBER:

RENEWAL PERIOD REQUESTING EXCEPTION FOR:

_____/_____/____ TO ____/____/____

REASON FOR EXCEPTION: (Check one box only)

Health (Complete Part 2) **Health-Family** (Complete Part 2)

Part 2 – To be completed by attending physician/psychologist

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

2. Approximate date disability/medical condition began: _____ Disability/medical condition is Temporary Permanent
 If temporary, approximate date licensee will be able to resume his/her continuing education: _____

3. Is licensee limited in working in his/her licensed capacity? Yes No
 If yes, please explain limitations: _____

Attending Physician's/Psychologist's Name

License Number

Business Telephone

Attending Physician's/Psychologist's Address

City

State

Zip Code

I declare under penalty of perjury under the laws of the State of California that all the information I have submitted on this form and on any accompanying attachments is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

Date

Signature of Licensee

Date

Signature of Physician/Psychologist

*See "Notice of Collection of Personal Information" (over)

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: *The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54 and 4996.22, and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" exception to the Board's continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.*

Exception Regulation

- (c) A licensee may submit a request for exception from or reasonable accommodations for the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (Revised 11/08), for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee within thirty (30) working days after the receipt of the request for exception, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
- (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service; or,
 - (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country.
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception –Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 9/07).

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2010, and you are going to live out of the country from May 2009 through November 2010, you can submit your request for exception due to living out of the country any time after May 2010.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. **Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in active status. The Board MUST receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.**

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

**REQUEST FOR CONTINUING EDUCATION
EXCEPTION – LICENSEE APPLICATION**

1800 37A-635 (NEW 5/07 Revised 02/09)

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

This form must be received by the Board at least sixty (60) days prior to the expiration date of the license.

READ REVERSE SIDE INSTRUCTIONS BEFORE COMPLETING THIS FORM.

Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:

Date Received _____

Date Approved _____ Denied _____

Date of Audit (if applicable) _____

Enforcement Approval Yes No Date: _____

(Please type or print clearly in ink)

Part 1 To be completed by applicant/licensee

*NAME: Last First Middle

BUSINESS TELEPHONE: RESIDENCE TELEPHONE:

ADDRESS OF RECORD: Number and Street City State Zip Code

SOCIAL SECURITY NUMBER: LICENSE NUMBER: RENEWAL PERIOD REQUESTING EXCEPTION FOR: _____ / _____ / _____ TO _____ / _____ / _____

REASON FOR EXCEPTION: (Check one box only)

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

**Part 2 To be completed by licensee to explain medical condition or disability.
Please attach extra sheets if necessary. attending physician/psychologist**

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

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

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

If yes, please explain limitations: _____

2. Attach completed "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 37A-636 (New 11/08).

3. What type of accommodation are you requesting?

Total Exception from Continuing Education Requirements – By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the continuing education requirements due to one of the following total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner where you were the primary caregiver for that family member.

Request to Complete all Continuing Education Hours via Self -Study – By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive continuing education requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you are the primary caregiver for that family member.

4. Explain how another accommodation would allow you to comply with the continuing education requirements.

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

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

_____	_____
Date	Signature of Licensee
_____	_____
Date	Signature of Physician/Psychologist

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

(OVER)

~~Certifying on your renewal form that you have either completed the required hours of continuing education or been granted an exception from the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b) and 4992.3(b).~~

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34 and 4996.22 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" exception to the Board's continuing education requirements. Submission of your social security number is voluntary. Submission of other personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address and telephone number: 1625 North Market Blvd., Suite S-200, Sacramento, CA 95834 or (916) 574-7830.

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

Exception Regulation, 16 CCR Section 1887.2(c)

~~(c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (Revised 11/08) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:~~

~~(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:~~

~~(4) (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;~~

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

~~(3) (2) The board may grant a reasonable accommodation if, During for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee has is the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. A disability is a~~

~~physical or mental impairment that substantially limits one or more of the major life activities of an individual. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with special expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must include:~~ be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636(New 11/08).

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and~~

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

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept any documentation establishing the validity of your request, including military orders that demonstrate service outside California, or a passport or visa showing the dates you resided ~~out of country~~ out of the country, a doctor's note, etc. The Board may accept a written statement from your physician or psychologist in lieu of completing Part 2, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. Please remember that the documentation must supply all of the information required by Section 1887.2(c) above. After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2006-2010, and you are going to live out of the country from May 2005-2009 through November 2006-2010, you can submit your request for exception due to living out of the country anytime after May 2006-2010.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

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

Blank Page

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

To: Policy and Advocacy Committee Members **Date:** January 6, 2009

From: Paul Riches
Executive Officer **Telephone:** (916) 574-7840

Subject: **Requiring Family Therapy Hours for Marriage and Family Therapist (MFT) Licensure**

Background:

The committee opened a discussion on this issue at the October 2008 committee meeting and directed staff to bring back some proposals to address both the inclusion of an incentive for obtaining experience providing therapy to family units and to simplify the existing experience requirements.

Attached to this memo is a discussion draft of changes to MFT experience requirements. This draft is intended to stimulate discussion and address issues raised previously regarding MFT experience requirements. The draft includes the following changes:

1. Double counting the first 150 hours providing family therapy.

Current law requires that candidates complete 500 hours of experience treating couples, families and children. This allows candidates to gain the hours treating children exclusively and not gain experience providing therapy with more than one family member in the room at one time. Most candidates fulfill the current requirement by treating children. The incentive provided is similar to that for obtaining personal psychotherapy under current law.

2. Combine existing limits on telephone crisis counseling and telemedicine into a single category with a maximum of 250 hours allowed.

Current law treats experience providing “telephone crisis counseling” and “telemedicine” separately despite the activities appearing to overlap one another. Telephone crisis counseling is currently limited to 250 hours and telemedicine is currently limited to 125 hours. The discussion draft combines them into a single category with a limit of 250 hours.

3. Allow Marriage and Family Therapist Interns (IMF) to collect hours for “client centered advocacy.”

This is a proposal already approved by the board. This draft would limit hours for client centered advocacy, personal psychotherapy and direct supervisor contact to a combined total of 1250.

4. Eliminate experience for attending workshops, trainings, and conferences.

Existing law allows IMFs credit for up to 250 hours of workshops, training and conferences.

5. Change the supervision ratio for post-graduate experience to parallel that required of associate clinical social workers.

Existing law requires IMFs to receive one unit of supervision (one hour of individual or two hours of group supervision) for each 10 hours of psychotherapy/counseling work experience. A typical MFT candidate must receive over 400 hours of supervision to be eligible for licensing examinations. However, a typical LCSW candidate receives around 150 hours of supervision. This disparity makes little sense given the overlapping scopes of practice and the limited availability of supervision. The attached draft changes to the post-graduate supervision requirements to parallel those required of social work candidates. Under that system, an IMF would need one unit of supervision for the first 10 hours of psychotherapy/counseling work experience in any week and one additional unit of supervision for any additional hours of psychotherapy/counseling work experience in that same week. This would ONLY apply to psychotherapy/counseling work experience.

Supervision requirements for MFT Trainees would not be affected.

6. Require two hours of group supervision to be credited for one hour of supervisor contact.

Current law allows candidates to claim two hours of supervised experience for one unit of group supervision and one hour of experience for one unit of individual supervision. However, the supervision ratios value the time in group supervision at one-half the value of individual supervision. The current law incentivizes group supervision by granting additional hours of experience for group supervision. For example, an IMF gaining one unit of group supervision and one unit of individual supervision in the same week currently receives credit for three hours of work experience for that supervision (two group supervision hours + one individual supervision hour = three hours of work experience).

Staff is unaware of a policy basis for granting group supervision this preference.

7. Allow hours of experience to be gained in any category as a Trainee.

Current law restricts the types of experience that can be gained as a Trainee to certain categories. The attached draft would allow a trainee to gain experience in any category. Specifically this would allow Trainees to gain experience for clinical documentation and psychological testing.

Attached to this memo is a discussion draft of changes and experience calculators that reflect typical application scenarios for both MFT and LCSW candidates.

Discussion Draft

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

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

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

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

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

(4) Not more than 1,300 hours of supervised experience obtained prior to completing a master's or doctor's degree. The applicant shall not be credited with more than 750 hours of counseling and direct supervisor contact prior to graduation. This experience shall be composed as follows:

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

~~(B) Not more than 250 hours of professional enrichment activities, excluding personal psychotherapy as described in paragraph (2) of subdivision (l).~~

~~(C) Not more than 100 hours of personal psychotherapy as described in paragraph (2) of subdivision (l). The applicant shall be credited for three hours of experience for each hour of personal psychotherapy.~~

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

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

(7) Not more than a total of 1250 hours of experience for:

(A) Direct supervisor contact. Two hours of group supervision shall be required to be credited for one hour of supervisor contact.

(B) Personal psychotherapy.

(C) Client centered advocacy.

~~—Not more than a total of 1,000 hours of experience for direct supervisor contact and professional enrichment activities.~~

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

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

(10) Not more than 100 hours of personal psychotherapy. The applicant shall be credited for three hours of experience for each hour of personal psychotherapy. ~~Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.~~

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

(A) For the first 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited for two hours of experience for each hour of therapy provided.

(12) Not more than ~~425~~ 250 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telemedicine in accordance with Section 2290.5.

(b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.

(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.

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

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

(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact in each setting. No more than five hours of supervision, whether individual or group, shall be credited during any single week.

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

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons.

(4) Direct supervisor contact shall occur within the same week as the hours claimed.

(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervises and in segments lasting no less than one continuous hour.

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

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

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

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

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

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

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

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

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

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

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

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied the requirements of subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

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

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

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

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

(i) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations of their employers.

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

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

~~(l) For purposes of this chapter, "professional enrichment activities" includes the following:~~

~~—(1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor.~~

~~—(2) Participation by the applicant in personal psychotherapy which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.~~

MFT Experience Calculator

(Revised June 2008)

	Trainee/Practicum	Intern/Post-Degree	Category Sub-Total
Counseling Hours			
Individual Counseling (<i>no min/max</i>)	285.0	560.0	845.0
Couples, Family, and/or Children (<i>min 500</i>)	155.0	380.0	535.0
Group Counseling (<i>max 500</i>)	0.0	500.0	500.0
Telephone Counseling (<i>max 250</i>)	0.0	0.0	0.0
Telemedicine Counseling (<i>max 125</i>)	0.0	0.0	0.0
Sub-Total	440.0	1440.0	1880.0

Non-Counseling Hours			
Administrating and Evaluating Psychological Test, Writing progress notes and process notes (<i>max 250</i>)	N/A	250.0	250.0
Workshops, Seminars, Training Sessions, and/or Conferences (<i>max 250</i>)	100.0	150.0	250.0
Sub-Total	100.0	400.0	500.0

Supervision			
Individual Supervision Hours	50	2	52.0
Group Supervision Hours	85	285	370.0
Sub-Total	135	287	422.0

Total Weeks of Supervision	55	155	210.0
-----------------------------------	----	-----	--------------

Counseling Experience Ratio Compliance			
Total Units of Supervision	92.5	144.5	237.0
Max # of Counseling Hours Based on Sup.	462.5	1445.0	1907.5
Actual Amount of Credited Counseling Hrs	440.0	1440.0	1880.0

Approximate Weeks of Supervision Needed	0
Approximate Hours of Experience Needed	0

Personal Psychotherapy Hours	
Actual Personal Psychotherapy Hrs	100.0
Credited Hrs of Experience (max 300)	300

Professional Development Time (max 1000)	
(Prof Development = Supervision+Personal Psychotherapy+Workshops)	972.0

yellow background = a limit was reached

green text = good to go

red text = not sufficient

orange background = YOU HAVE GONE OVER YOUR MAXIMUM IN THIS CATEGORY, PLEASE ADJUST YOUR TOTALS TO COMPLY WITH THE LIMIT

Trainee/Practicum Counseling and Supervision (max 750)	
(Counseling Experience and Supervision earned while in degree program)	575.0

DISCLAIMER: THIS CALCULATOR IS PROVIDED SOLELY AS A RESOURCE TO ASSIST APPLICANTS IN APPROXIMATING COMPLETION OF THEIR SUPERVISED EXPERIENCE REQUIREMENTS. THIS CALCULATOR DOES NOT CERTIFY COMPLETION OF REQUIREMENTS. ONLY BOARD STAFF EVALUATES MFT APPLICATIONS TO DETERMINE APPLICANT COMPLIANCE WITH LICENSING REQUIREMENTS. THIS CALCULATOR DOES NOT GUARANTEE APPLICATION APPROVAL.

LCSW Experience Calculator

(Revised June 2008)

Experience	
A. Clinical Psychosocial Diagnosis, Assessment and Treatment, INCLUDING Individual or Group Psychotherapy (min. 2000 hrs):	2100.0
B. Client-centered advocacy, consultation, evaluation, and research (max. 1200):	1185.0
Total (A+B=C)	3285.0

Total Weeks of Supervision:	125
Total Hours of Individual Supervision:	58
Total Hours of Group Supervision:	80

Approximate Hours of Experience Needed:	0
Approximate Weeks of Supervision Needed:	0
Approximate Amount of Individual or Group Psychotherapy Needed:	0

*If the ASW accumulates more than 10 hours of direct psychotherapy in a given week, he or she will need to obtain an additional hour of individual supervision or two (2) hours of group supervision to cover the direct face-to-face psychotherapy time over 10 hours for the week.

For example, Applicant B accumulates 16 hours of direct psychotherapy in a week. Usually, this applicant receives only one (1) hour of individual supervision, but for this week, the applicant needs to gain an additional hour of individual supervision or two (2) hours of group supervision to cover the extra 6 hours of direct psychotherapy time.

DISCLAIMER: THIS CALCULATOR IS PROVIDED SOLELY AS A RESOURCE TO ASSIST APPLICANTS IN APPROXIMATING COMPLETION OF THEIR SUPERVISED EXPERIENCE REQUIREMENTS. THIS CALCULATOR DOES NOT CERTIFY COMPLETION OF REQUIREMENTS. ONLY BOARD STAFF EVALUATES LCSW APPLICATIONS TO DETERMINE APPLICANT COMPLIANCE WITH LICENSING REQUIREMENTS. THIS CALCULATOR DOES NOT GUARANTEE APPLICATION APPROVAL.

Individual or Group Psychotherapy	
A1. Individual or Group Psychotherapy* (min. 750 hrs):	765.0

yellow background = a limit was reached

green text = good to go

red text = not sufficient

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

To: Policy and Advocacy Committee Members **Date:** January 7, 2009
From: Tracy Rhine
Legislation Analyst **Telephone:** (916) 574-7847
Subject: Legislation Update

BOARD-SPONSORED LEGISLATION

SB 33 (Correa) MFT Educational Requirements

This bill would have made a number of changes relating to the education requirements of Marriage and Family Therapists (MFTs), including:

- Permits MFT Interns to gain a portion of the required supervision via teleconferencing;
- Allows applicants to count experience for performing “client centered advocacy” activities toward licensure as a MFT;
- Requires applicants for MFT licensure to submit W-2 forms and verification of volunteer employment for each setting in which the applicant gained experience;
- Increases the graduate degree’s total unit requirement from 48 to 60 semester units (72 to 90 quarter units);
- Increases the practicum by three semester units and 75 face-to-face counseling and client centered advocacy hours;
- Provides more flexibility in the degree program by requiring fewer specific hours or units for particular coursework, allowing for innovation in curriculum design; and,
- Deletes the requirement that an applicant licensed as an MFT for less than two years in another state to complete 250 hours of experience in California as an intern prior to applying for licensure.
-

Board Omnibus Bill (no bill number assigned at this time)

This proposal will incorporate all the following changes approved by the Board and included in SB 1779 last year:

- *Enforcement*
Prohibits the board from publishing on the internet for more than five years the final

determination of a citation and fine of one thousand five hundred dollars (\$1,500) or less against a registrant or licensee.

- *Marriage and Family Therapist Act Title*
Adds the following title to Chapter 13 of Division 2 of the Business and Professions Code: "This chapter shall be known, and may be cited, as the Marriage and Family Therapist Act."
- *Out-of-State Licensed Clinical Social Worker (LCSW) Eligibility*
Makes a technical change to language relating to eligibility for out of state LCSW applicants that clarifies that an applicant must currently hold a valid license from another state at the time of application.
- *MFT Experience Requirements*
Clarifies that no hours of experience gained more than six years prior to the date of application for MFT *examination eligibility* can be counted towards the experience requirements.
- *Unprofessional Conduct*
Adds to the provisions of unprofessional conduct for all licensees the act of subverting or attempting to subvert any licensing examination or the administration of an examination.
 - Deletes the following language from the unprofessional conduct statutes:
Conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances or any combination thereof.
 - Adds to the unprofessional conduct statute for LEP's failure to comply with telemedicine statute.
- *Associate Clinical Social Worker (ASW) Supervision*
Permits ASWs to gain up to 30 hours of direct supervisor contact via videoconferencing and allows group supervision to be provided in one-hour increments, as long as both increments (full two hours) are provided in the same week as the experience claimed.
- *Miscellaneous Provisions*
Repeals code sections containing obsolete language

Board Omnibus Bill (no bill number assigned at this time)

A second omnibus bill will be introduced by the Senate Business, Professions and Economic Development Committee that will include the following statutory changes approved by the Board at its November 18, 2009 meeting:

- *Supervision in Private Practice*
Limits the number of MFT Interns and ASWs that may work under the supervision of a licensed professional in private practice to two total registrants, irrespective of registrant type, at one time.
- *ASW Employment in Private Practice*
Prohibits an ASW issued a subsequent registration from being employed or volunteering in a private practice setting.

- *Leasing or Renting Space by an ASW*
Prohibits an ASW from leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.
- *Reinstatement or Modification of Penalty for Registrants*
Adds a reference to clarify that registrants may petition for reinstatement or modification of penalty when his or her registration has been revoked or suspended or been placed on probation.
- *Unprofessional Conduct of a Supervisor*
Clarifies that unprofessional conduct includes any conduct in the supervision of a registrant by any licensee that violates licensing law and regulations adopted by the board, irrespective of the field of practice of the supervisee and the supervisor.
- *Record Retention*
Adds record retention provisions to Licensed Educational Psychologist (LEP) and LCSW licensing law that do the following:
 - Prohibits the board from denying an applicant admission to the written examination or delaying the examination solely upon receipt by the board of a complaint alleging acts that would constitute grounds for denying licensure.
 - Requires the board to allow an applicant that has passed the written examination to take the clinical vignette examination regardless of a complaint that is under investigation. This same provision would allow the board to withhold results of the examination pending completion of the investigation.
 - Allows the board to deny an applicant that previously failed either the written or clinical vignette examination permission to retest pending completion of an investigation of complaints against the applicant.
 - Provides that no applicant shall be eligible to participate in a clinical vignette examination if his or her passing score on the standard written examination occurred more than seven years ago.
- *Miscellaneous Provision*
Deletes incorrect reference to an “annual” license renewal.

Blank Page

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

To: Policy and Advocacy Committee Members **Date:** January 6, 2009
From: Tracy Rhine
Legislative Analyst **Telephone:** (916) 574-7847
Subject: Rulemaking Update

PENDING REGULATORY PROPOSALS

Title 16, CCR Section 1832.5, Acceptance of Degrees from Approved Institutions

This 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, as long as the school held an approval to operate as of June 30, 2007. **The final rulemaking package was submitted to the Office of Administrative Law December 12, 2008.**

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

This regulation sets forth continuing education (CE) exception criteria for MFT and LCSW license renewals. This proposal would amend the language in order to clarify and better facilitate the request for exception from the CE requirement. **The board approved the originally proposed text at its meeting on May 31, 2007. This proposed regulation was incorporated into the rulemaking package relating to continuing education requirements for Licensed Educational Psychologist.**

Title 16, CCR Sections 1887, 1887.2, 1887.3, and 1887.7, Minor Clean-Up of Continuing Education Regulations

This proposal would make minor clean-up amendments to continuing education regulations. **The Board approved the originally proposed text at its meeting on May 31, 2007. This proposed regulation will be incorporated into the rulemaking package relating to continuing education requirements for Licensed Educational Psychologist.**

Title 16, CCR Sections 1815 and 1886.40, Fingerprint Submission Requirements

This proposal will require all Board licensees and registrants for whom an electronic record of his or her fingerprints does not exist in the Department of Justice (DOJ) criminal offender record identification database to successfully complete a state and federal level criminal offender record information search conducted through the DOJ. **The Board approved the originally proposed text at its meeting on December 19, 2009. The Notice of Proposed**

Changes in Regulation was published in the California Regulatory Notice Register on January 2, 2009. This proposal is scheduled for discussion and possible action at the February 19, 2009 board meeting.

Title 16, CCR Section 1888, Revision of Disciplinary Guidelines

This proposal will revise the Disciplinary Guidelines set forth by the Board and utilized in a disciplinary action against a licensee under the Administrative Procedures Act. **The Board approved the originally proposed text at its meeting on November 18, 2009. The Notice of Proposed Changes in Regulation was published in the California Regulatory Notice Register on January 2, 2009. This proposal is scheduled for discussion and possible action at the February 19, 2009 board meeting.**

Title 16, CCR Section 1811, Revision of Advertising Regulations

This proposal revises the regulatory provisions related to advertising by Board Licensees. **The Board approved the originally proposed text at its meeting on November 18, 2009. Staff is currently preparing the rulemaking package for Notice with the Office of Administrative Law.**