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Sacramento, CA 95834
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www.bbs.ca.gov

MEETING NOTICE

February 26, 2009

Department of General Services
Auditorium
707 Third Street
West Sacramento, CA 95605

February 27, 2009

Department of General Services
Executive Dining Room
707 Third Street
West Sacramento, CA 95605

Thursday, February 26
8:30 a.m.

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

- I. Introductions
- II. Approval of November 18, 2008 Board Meeting Minutes
- III. Approval of December 19, 2008 Board Meeting Minutes
- IV. Chairperson's Report
 - A. Upcoming Board and Committee Meetings
 - B. Discussion of Licensed Mental Health Service Provider Loan Repayment Program
- V. Executive Officer's Report
 - A. Budget Report/Strategic Plan Update
 - B. Operations Report
 - C. Personnel Update
 - D. Examination Statistics
- VI. Report of the Policy and Advocacy Committee
 - A. Recommendation # 1 – Sponsor Legislation to Allow Video Supervision of Associate Clinical Social Workers and Marriage and Family Therapist Interns
 - B. Recommendation # 2 – Sponsor Legislation To Update Unprofessional Conduct Statutes
 - C. Recommendation # 3 – Initiate a Rulemaking Process to Implement Continuing Education Requirements for Licensed Educational Psychologists
 - D. Legislation Update
 - E. Regulation Update
- VII. Discussion and Possible Action to Adopt Title 16, Section 1815 of the California Code of Regulations and to Amend Title 16, Section 1886.40 of the California Code of Regulations Regarding the Submission of Fingerprints



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

- VIII. Discussion and Possible Action to Amend Title 16, Section 1888 of the California Code of Regulations Regarding Disciplinary Guidelines
- IX. Report of the LCSW Education Committee
- X. Report of the Examination Program Review Committee
- XI. Election of Officers
- XII. Public Comment for Items Not on the Agenda
- XIII. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

- XIV. Pursuant to Section 11126(a) of the Government Code to Evaluate the Performance of the Board's Executive Officer.
- XV. Pursuant to Government Code section 11126(c)(3) the Board will convene in closed session to deliberate on disciplinary matters, including a decision after remand (Gary Vincent Ventimiglia, MFC 21132); and, pursuant to Government Code section 11126(e), the Board will convene in closed session to confer with and receive legal advice from counsel (Mary Kay Oliveri v. Board of Behavioral Sciences, Sac.Sup.Ct., Case No. 07CS01477).

***Friday, February 27
8:30 a.m.***

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

- XVI. Petition for Reinstatement of Registration, Heather Peterman (IMF 49645)
- XVII. Petition for Early Termination of Probation, Jason Esswein (MFC 41644)

FULL BOARD CLOSED SESSION

- XVIII. Pursuant to Government Code section 11126(c)(3) the board will convene in closed session to deliberate on disciplinary matters, including a decision after remand (Gary Vincent Ventimiglia, MFC 21132), the petition for reinstatement (Heather Peterman, IMF 49645), and the petition for early termination of probation (Jason Esswein, MFC 41644).

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

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

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

DRAFT BOARD MEETING MINUTES **December 19, 2008**

Department of Consumer Affairs
1625 N. Market Blvd
El Dorado Room
Sacramento, CA 95834

By Teleconference From:

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

415 Karla Court
Novato, CA 94949

16133 Ventura Blvd., Suite 1235
Encino, CA 91436

10800 E. Benavon Street
Whittier, CA 92821

Members Present

Ian Russ, Chair, MFT Member
Gordonna DiGiorgio, Public Member
Elise Froistad, MFT Member
Judy Johnson, LEP Member
D'Karla Leach, Public Member
Renee Lonner, LCSW Member

Staff Present

Paul Riches, Executive Officer
Kim Madsen, Assistant Executive Officer
Tracy Rhine, Legislation Analyst
Sean O'Connor, Outreach Coordinator
Christina Kitamura, Administrative Assistant
LaVonne Powell, Legal Counsel

Members Absent

Victor Perez, Public Member
Karen Roye, Public Member
Joan Walmsley, Vice Chair, LCSW Member
Rita Cameron Wedding, Public Member

Guest List

On file

FULL BOARD OPEN SESSION

Dr. Ian Russ, Board Chair, called the meeting to order at 2:12 p.m. Christina Kitamura called roll, and a quorum was established.

I. Introductions

Paul Riches introduced staff in attendance at the Department of Consumer Affairs' (DCA) site including legal counsel LaVonne Powell. Audience consisted of one guest, Katherine

Demos from DCA Legislative & Policy Review. The teleconference sites did not have any guests in attendance.

II. Discussion and Possible Action to Initiate a Rulemaking to Add and Amend Sections of Division 18, of Title 16, of the California Code of Regulations Regarding the Mandatory Submission of Fingerprints for Board Licensees and Registrants

Mr. Riches presented a recommendation from staff for the Board to initiate a rulemaking to begin retroactive fingerprinting of licensees. In November, the Board authorized support for any DCA-sponsored legislation or for the Board to sponsor its own legislation. On November 24, 2008 an emergency rulemaking set forth by the Board of Registered Nursing (BRN) related to mandatory fingerprint submission was approved by the Office of Administrative law. Staff is suggesting a rulemaking as it is the most expeditious way to implement the fingerprinting program.

Judy Johnson thinks it's a good idea to move forward with rulemaking. Donna DiGiorgio agreed, stating that it's time to move forward with this and do this in timely fashion.

Renee Lonner moved to take all steps necessary to initiate the formal rulemaking process, authorize the Executive Officer to make any non-substantive changes to the rulemaking package, and set the proposed regulations for a hearing. Judy Johnson seconded. The Board voted unanimously (6-0) to pass the motion.

III. Public Comment for Items Not on the Agenda

None

IV. Suggestions for Future Agenda Items

None

The full board open session was closed at 2:17 p.m.

FULL BOARD CLOSED SESSION

V. Pursuant to Government Code section 11126(e), the Board will convene in closed session to confer with and receive legal advice from counsel (*Ventimiglia v. Board of Behavioral Sciences*)

The Board reconvened in closed session at 2:18 p.m. The meeting was adjourned at 2:29 p.m.

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

To: Board Members

Date: February 9, 2009

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Future Meeting Dates

Full Board Meetings

Board meeting dates in 2009 have been changed from those previously scheduled because of furloughs on the first and third Fridays of each month. The previous board pattern was to meet in the third week of the month. I have worked with the Chair to sort out the 2009 meeting schedule and we are proposing the dates below. The May and November meetings were moved to different weeks to resolve the conflict.

We are also proposing a one-day meeting Saturday, August 29th. The intention for this meeting is to get started on our languishing effort to consider current codes of professional ethics and the common understandings of them for our professions in light of the Mental Health Services Act and a rapidly changing population. Efforts to incorporate this process into board meetings on an ongoing basis have been frustrated by recent events (cancellation of the August 2008 meeting because of the budget impasse, the abbreviated board meeting in November to accommodate the DCA PACT Summit, and a large number of enforcement matters at this meeting). The day will include a brief regular board meeting to handle any urgent matters, but the rest of the day will be devoted to the ethics discussion. The Saturday scheduling is intended to make it easier for individual practitioners to participate in the meeting and to help determine if occasional Saturday meetings increase public participation.

May 21-22, 2009 – Riverside

August 29, 2009 – TBA

November 12-13, 2009 – TBA

Committee Meetings

Policy and Advocacy Committee [Donna DiGiorgio – Chair, Renee Lonner, Karen Roye, Ian Russ]

April 10, 2009 – Sacramento

July 31, 2009 – TBA

LCSW Education Committee [Renee Lonner – Chair, Joan Walmsley]

June 8, 2009 Inland Empire

Examination Program Review Committee [Elise Froistad – Chair, Joan Walmsley]

March 23, 2009 – Orange County

May 4, 2009 – San Jose

June 29, 2009 – Los Angeles



HEALTH PROFESSIONS
EDUCATION FOUNDATION
Giving Golden Opportunities



CALIFORNIA DEPARTMENT OF
MENTAL HEALTH

LICENSED MENTAL HEALTH SERVICES PROVIDER EDUCATION PROGRAM

The Licensed Mental Health Services Provider Education Program is intended to increase the number of mental health providers available to practice direct patient care in one of the following qualified facilities: the Public Mental Health System, a publicly funded or public mental health facility, a non-profit private mental health facility, or in mental health professional shortage areas in California. Qualified applicants may receive up to \$15,000 in educational loan repayments over a two year period in exchange for providing direct mental health patient care.

Eligible Applicants:

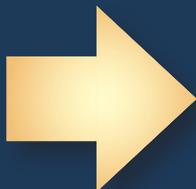
- Licensed Marriage & Family Therapists
- Marriage & Family Therapist Interns
- Licensed Clinical Social Workers
- Associate Clinical Social Workers
- Licensed Psychologists
- Registered Psychologists
- Postdoctoral Psychological Assistants
- Postdoctoral Psychological Trainees
- Licensed Psychiatrists
- Registered Psychiatrists
- Licensed Psychiatric Mental Health Nurse Practitioners
- Registered Psychiatric Mental Health Nurse Practitioners

For applications, guidelines, or funding information about these programs please visit us on the Web Site:

www.healthprofessions.ca.gov

Or call us at (800) 773-1669 or
(916) 326-3640

THIS PROGRAM IS SUPPORTED BY FUNDS SECURED FROM LICENSURE RENEWAL FEES AS WELL AS THE MENTAL HEALTH SERVICES ACT WORKFORCE, EDUCATION AND TRAINING COMPONENT.



Spring Application Postmark Deadline: March 24, 2009

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Licensed Mental Health Service Provider Education Program

Loan Repayment Application

Spring Postmark Deadline: March 24, 2009

Increasing the supply of mental health professionals practicing in mental health professional shortage areas

Improving access to mental healthcare in rural and urban areas of California

Awarding mental health professionals who provide direct patient care in Mental Health Professional Shortage Areas, the Public Mental Health System, publicly funded or public mental health facilities, or non-profit private mental health facilities in underserved communities

Application Instructions



If you want receipt confirmation of your application packet, please submit one self-addressed stamped envelope with your application.

You must be a California resident and a citizen or permanent resident of the U.S. to apply.

The Health Professions Education Foundation (Foundation) recognizes the need for improving conditions which lead to mental healthcare disparities in the state, including those disparities arising from cultural and linguistic barriers. At the same time, the Foundation acknowledges the difficulty of many culturally or linguistically competent mental health service providers to practice in mental health professional shortage areas because of the heavy debt load related to a career as a licensed mental health service provider. The Licensed Mental Health Service Provider Education Program encourages mental health service providers to practice in a mental health professional shortage area or qualified facility in California by authorizing a plan for repayment of their educational loans in exchange for their service in a designated shortage area for a minimum of two (2) years.

The Licensed Mental Health Service Provider Education Program repays up to \$15,000 in outstanding government or commercial educational loans for expenses incurred for a mental health service provider education.

Loan repayment recipients will be required to sign a written contract with the Foundation outlining the provisions which must be met to fulfill the obligations under this program. Failure to comply with the terms of the contract may result in the awardee's repayment of funds awarded plus interest.

QUALIFIED FACILITIES

When submitting an application, the applicant may already be working at, or must have entered into a written agreement to provide services under this program with a qualified facility.

Qualified facilities are defined as one of the following:

(1) "Mental Health Professional Shortage Area" (MHPSA) means an area designated as such by the U.S. Department of Health and Human Services, Health Resources and Service Administration, Bureau of Health Professions' Shortage Designation Branch.

(2) "Public Mental Health System" means publicly-funded mental health programs/services and entities that are administered, in whole or part, by the Department of Mental Health or the County. It does not include programs and/or services administered, in whole or part, by federal, state, county or private correctional entities or programs and/or services provided in correctional facilities.

(3) "A publicly funded facility," which means a health facility, as defined by Health and Safety Code Sections 1200, 1200.1, and 1250, conducted, maintained, or operated by this state or by any of its political subdivisions or districts, or by any city.

(4) "A publicly funded or public mental health facility," which means a hospital, clinic, or long-term care facility licensed and/or certified by the California Department of Mental Health and/or the California Department of Health Care Services that is conducted, maintained, or operated by this state or by any of its political subdivisions or districts, or by any city, and that provides mental health services.

(5) "A non-profit private mental health facility," which means a hospital, clinic, or long-term care facility licensed and/or certified by the California Department of Mental Health and/or the California Department of Health Care Services that is operated by a non-profit entity that contracts with a county mental health entity or facility to provide mental health services.

If a program participant is paid, the facility must pay prevailing wages to the program participant. Facilities must agree not to use the program's award of educational loan repayments as a means to reduce the recipient's salary or offset those salaries (e.g., deduction of funds from paychecks, etc.).

LOAN REPAYMENT AWARDS

The Foundation, under the Licensed Mental Health Service Provider Education Program, is authorized to repay outstanding government and commercial educational loans for expenses related to the recipient's education required to practice as a mental health service provider (i.e., principal, interest, and related expenses for tuition, and educational expenses). Award recipients are responsible for making continued loan payments during the course of their participation in this program.

Loan repayment awards of up to \$15,000 are available to the program participants as an educational loan repayment. In no event shall the cumulative amount of the educational loan repayments exceed the amount of the participant's outstanding educational loan balances as of the date the written contract is signed between the Foundation and the award recipient.

LOAN REPAYMENT ELIGIBILITY

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

Mental health service providers awarded under this program must complete a two (2) year service obligation to practice as a full-time mental health profession in a MHPSA or qualified facility of California providing direct patient care. "Full-time" means a regular work week of not less than 32 hours. "Direct patient care" means the provision of healthcare services directly to individuals being treated for, or suspected of having, physical or mental illness. Direct patient care includes preventative care. The first line supervision of direct patient care shall be considered "direct patient care."

An applicant who has signed a contract or written agreement with another entity to practice their mental health profession in exchange for financial assistance, including tuition reimbursement, scholarship, loans, or loan repayment, shall be ineligible to receive a loan repayment until the obligation to this other entity has been fulfilled.

Awardees may reapply for an additional loan repayment award at the completion of their two (2) year service obligation. Awardees shall not be awarded more than two (2) contracts.

Application Instructions (cont.)



SELECTION CRITERIA

The most qualified applicants will be selected in the areas of California with the greatest workforce need. Priority consideration will be given to those applicants best suited to meet the cultural and linguistic needs and demands of consumers, based on the applicant meeting one or more of the following criteria:

- **Work Experience** – mental health related work experience in a MHPSA or qualified facility and have received significant training in cultural and linguistic competence.
- **Cultural and Linguistic Competence** – applicants ability to understand and respond effectively to the cultural and linguistic needs brought by consumers to mental healthcare encounters.
- **Career Goals** - professional goals for the next five (5) to ten (10) years.
- **Community Service** - volunteer and/or professional service in the community.
- **Community Background** - family structure, socio-economic background, and community where the applicant grew up.
- **Fluency** - fluency in a language other than English must be verified on the Employment or Volunteer Verification Form.

Priority will be given to those applicants whose community background and commitment indicates the likelihood of long-term employment in a qualified facility or MHPSA even after the service obligation has ended and who have completed significant training in cultural and linguistic competence.

Awards are made on a competitive basis. Each part of the application must be completed. All supporting documentation must be submitted by the appropriate deadline. Only complete applications will be evaluated. The Foundation may not notify individuals if their application is incomplete.

SUBMIT THE FOLLOWING

1. Completed Application

Complete both pages of this application. It must be completed, signed, and dated to be considered eligible.

2. Personal Statement

Questions can be found on page two (2) of this application, please provide a comprehensive response to each question. Your statement must be typed and no more than two (2) pages total. Restate and number each question along with your answer.

3. Employment or Volunteer Verification Form

This form must be signed by a supervisor or administrative officer who can verify the applicant's hours. The Employment or Volunteer Verification Form is enclosed as part of the application.

4. Educational Debt Reporting Form

Submit the attached educational debt reporting form. If any information is not filled in, the application will be considered incomplete.

5. Lender Statements

Attach copies of your most recent lender statements (no more than six (6) months old) with your name, the name of lender, balance owed, account number, and monthly payments.

6. Two Professional Letters of Recommendation

Letters of recommendation must be dated within the last six (6) months of the application deadline and must be from an organization/entity for which the applicant has provided services. The letters must be on letterhead or include the author's title, name of employer, mailing address, contact information, and relationship to applicant.

7. Proof of Registration or Licensure

A copy of a document which includes a license number, registration number, or unique identification number issued by one of the following: the Medical Board of California, California Board of Behavioral Sciences, California Board of Psychology, or the California Board of Registered Nursing.

APPLICATION SUBMISSION

Applications must be postmarked by the deadline. In order to be reviewed, each part of the application must be completed. All supporting documentation must be submitted by the appropriate deadline. The Foundation may not notify applicants if their applications are received incomplete.

NOTIFICATION OF AWARDS

The Foundation will notify applicants of their application results within 120 days of the final filing date. Applicants are urged to contact the Foundation prior to the final filing date to verify if their application was receive complete.



SPRING POSTMARK DEADLINE: MARCH 24, 2009

Submit applications to:

**Health Professions Education Foundation
Licensed Mental Health Service Provider Education Program
400 R Street, Room 460
Sacramento, CA 95811
(800) 773-1669 or (916) 326-3640**

Application

Last Name

First Name



Please refer to the application instructions when completing the application. Complete all pages of the application form, and make sure all supporting documents are submitted with your application. All documents must be postmarked by the application deadline. Late or incomplete application packets will not be evaluated.

Please enter the amount you are requesting (up to \$15,000): _____

PART A - PERSONAL INFORMATION

(Please type or print your answers legibly in the space provided.)

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Dr.	Last Name:	First Name:	Middle Initial:
CA Drivers License Number:		*Social Security Number:	
Mailing Address:			
City:		State:	Zip Code:
County:			
Permanent Address (if different than above):			
City:		State:	Zip Code:
County:			
Home Phone: ()		Date of Birth:	
Cell Phone: ()		E-mail Address:	
Work Phone: ()		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
Are you a citizen or permanent resident of the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No		Are you a California resident? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Which CA Board are you registered or licensed with? <input type="checkbox"/> Behavioral Science <input type="checkbox"/> Psychology <input type="checkbox"/> Medical Board <input type="checkbox"/> Registered Nursing			
License or Registration #:			
What is your mental health profession? <input type="checkbox"/> Licensed Marriage & Family Therapist <input type="checkbox"/> Marriage & Family Therapist Intern			
<input type="checkbox"/> Licensed Psychiatrist	<input type="checkbox"/> Registered Psychiatrist	<input type="checkbox"/> Licensed Clinical Social Worker	<input type="checkbox"/> Associate Clinical Social Worker
<input type="checkbox"/> Licensed Psychiatric Mental Health Nurse Practitioner		<input type="checkbox"/> Registered Psychiatric Mental Health Nurse Practitioner	
<input type="checkbox"/> Licensed Psychologist	<input type="checkbox"/> Registered Psychologist	<input type="checkbox"/> Postdoctoral Psychological Assistant	<input type="checkbox"/> Postdoctoral Psychological Trainee
Which best describes your ethnic background? (optional):			
<input type="checkbox"/> African American	<input type="checkbox"/> Caucasian	<input type="checkbox"/> Asian American	<input type="checkbox"/> Native American
<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Other (Please specify) _____	

PERSONAL INFORMATION NOTIFICATION

The Information Practices Act of 1977 and the Federal Privacy Act require this program to provide the following to individuals who are asked by the Office of Statewide Health Planning and Development, Health Professions Education Foundation to supply information: The principal purposes for requesting personal information are for verification of identification, establishment of eligibility and program administration. Program regulations (Chapter 17 of Title 22 of the California Code of Regulations, Sections 97930 et seq.) require every individual to furnish appropriate information for application to the Licensed Mental Health Service Provider Education Program. All requested information is required unless it is specifically identified as voluntary. Failure to furnish this information may result in the return of the application as incomplete. An individual has a right of access to records containing his/her personal information that are maintained by the Office of Statewide Health Planning and Development, Health Professions Education Foundation. The person responsible for maintaining the information is the Program Director, Health Professions Education Foundation, 400 R Street, Sacramento, CA 95811, (916) 326-3640. The Foundation may charge a small fee to cover the cost of duplicating this information.

*MANDATORY DISCLOSURE OF U.S. SOCIAL SECURITY NUMBERS

Disclosure of your U.S. Social Security Number is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42USCA 405(c)(2)(C)) authorize collection of your social security number. Your social security number will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 17520 of the Family Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your social security number your application will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

Applicant's Name: _____

PART B – WORK EXPERIENCE

1. How many years have you worked in a qualified facility or an MHPSA? _____ years
2. Do you currently provide direct patient care in or through a qualified facility or MHPSA?
 Yes No

PART C – COMMUNITY BACKGROUND

1. Do you come from an economically disadvantaged background (i.e. low-income or subsidized income from local, county, state, and/or federal agencies)?
 Yes No

PART D – FLUENCY

1. List any languages in which you are fluent. This must also be verified by the applicant's employer on the Employment or Volunteer Verification Form.

1st language: _____

2nd language: _____

3rd language: _____

PART E – PERSONAL STATEMENT

Your statements must be typed and no more than two (2) pages total. Restate and number each question along with your answer.

1. Why do you want to participate in the Licensed Mental Health Service Provider Education Program?
2. Describe/explain your interest in working in an underserved community.
3. Describe how your upbringing and/or training have prepared you to understand and respond effectively to the cultural and linguistic needs of mental health consumers?
4. Describe any community service or professional organizations which you have for the past two (2) years been involved with, outside of your internship hours. Please include a description of your role and the length of time you have been committed to these groups.
5. What are your professional goals for the next five (5) to ten (10) years, as they relate to a mental health profession?
6. Please add any other information you believe is relevant.

PART F – QUESTIONNAIRE

1. Are you a previous awardee of the Foundation? Yes No
If yes, please enter the contract # _____
2. Do you currently owe a service obligation to another entity? Yes No

"Service Obligation" means the contractual obligation agreed to by the recipient of a loan repayment where the recipient agrees to practice their profession for a specified period of time in or through a designated facility.

3. How did you hear about the Licensed Mental Health Service Provider Education Program? (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Work (employer or co-worker) | <input type="checkbox"/> Friend/Acquaintance |
| <input type="checkbox"/> TV | <input type="checkbox"/> Radio |
| <input type="checkbox"/> Other Website | <input type="checkbox"/> Foundation Website |
| <input type="checkbox"/> Newspaper or Publication (please specify) _____ | <input type="checkbox"/> Advertisement |
| <input type="checkbox"/> Organization or Affiliation (please specify) _____ | |
| <input type="checkbox"/> Other source (please specify) _____ | |

4. How did you receive the Licensed Mental Health Service Provider Education Program application? (Check only one)

- | | |
|---|--|
| <input type="checkbox"/> Program Director/Instructor | <input type="checkbox"/> Foundation Office |
| <input type="checkbox"/> Foundation Website | <input type="checkbox"/> Other Website |
| <input type="checkbox"/> Work (employer/co-worker) | <input type="checkbox"/> Friend/Acquaintance |
| <input type="checkbox"/> Other (please specify) _____ | |

PART G – APPLICATION CERTIFICATION

I certify that I am the person herein named subscribing to this application; that I have read the complete application, know the full content thereof, and declare under penalty of perjury, that all of the information contained herein and evidence or other credentials submitted herewith are true and correct and that I am willing to sign, or have signed a written contract with a practice setting committing to a minimum two (2) years of full-time practice in a mental health professional shortage area. I authorize the Foundation to verify any information submitted as part of this application. I understand that falsification of information contained in this application will disqualify my application. I understand that once submitted my application and supporting documents become the rights of the Foundation. I also understand that my personal statement becomes the property of the Foundation and may be used, including but not limited to, advertising/marketing, program reports, newsletters, and other publications.

Last Name: _____

First Name: _____ Middle Initial: _____

Applicant's Signature: _____

Date: _____

SUBMISSION CHECKLIST

- 1. Completed Application
- 2. Employment and Volunteer Verification Form
- 3. Educational Debt Reporting Form
- 4. Lender Statements
- 5. Personal Statement
- 6. Two (2) Professional Letters of Recommendation
- 7. Proof of Licensure or Registration

Employment or Volunteer Verification Form



This form must be completed by a supervisor or administrative officer who can verify the applicant's hours.
The person signing this form may not be related to the applicant by blood, marriage, or adoption.

Applicant's Name: _____

Job Title: _____

On a weekly basis, how much time (average amount of hours) does the applicant spend providing the following services:

Face-to-face interaction: _____ Administration: _____ Supervision, management, or training: _____

Employment or Volunteer Average Monthly Hours Worked _____ F/T or P/T Start Date: ____/____/____

Facility Name: _____

Address (NO P.O. BOXES): _____

City: _____ State: _____ Zip Code: _____

County: _____

I can verify that the applicant can fluently speak the following language(s):

1st language: _____

2nd language: _____

3rd language: _____

I certify that the facility will pay the applicant (if in a paid capacity) prevailing wages and that I agree not to use the Program's award of educational loan repayments as a means to reduce the recipient's salary or offset those salaries (e.g., deduction of funds from paychecks, etc.). I certify that I am the supervisor or administrative officer at this facility, which meets the criteria of a qualified facility. Definitions for the qualified facilities listed below can be found in the instructions section of this application under "Qualified Facilities". Please contact the Health Professions Education staff if you need assistance in determining whether or not your facility will qualify. This information will be verified with the Health Professions Education Foundation. Please check all that apply:

Mental Health Professional Shortage Area

A publicly funded facility

Public Mental Health System

A publicly funded or public mental health facility

A non-profit private mental health facility

Name: (Please Print) _____

Signature: _____

Title: _____

Phone Number: _____

Fax Number: _____

Email: _____

Date: _____

Attach Business Card Here

Educational Debt Reporting Form



All spaces must be completed. If any information is missing the application will be considered incomplete. You must submit current lender statements (dated within six (6) months of the application deadline) for the educational debt listed below. They should include your name, the name of the lender, balance owed, account number and monthly payments.

LOAN 1

School Attended: _____ Loan Period (Start Date): ___/___/___ (End Date): ___/___/___

Loan Program: _____ Loan ID#: _____ Lending Institution: _____

Lender's Address: _____

City: _____ State: _____ Zip Code: _____

Outstanding Balance: \$ _____ Monthly Payment: \$ _____

LOAN 2

School Attended: _____ Loan Period (Start Date): ___/___/___ (End Date): ___/___/___

Loan Program: _____ Loan ID#: _____ Lending Institution: _____

Lender's Address: _____

City: _____ State: _____ Zip Code: _____

Outstanding Balance: \$ _____ Monthly Payment: \$ _____

LOAN 3

School Attended: _____ Loan Period (Start Date): ___/___/___ (End Date): ___/___/___

Loan Program: _____ Loan ID#: _____ Lending Institution: _____

Lender's Address: _____

City: _____ State: _____ Zip Code: _____

Outstanding Balance: \$ _____ Monthly Payment: \$ _____

LOAN 4

School Attended: _____ Loan Period (Start Date): ___/___/___ (End Date): ___/___/___

Loan Program: _____ Loan ID#: _____ Lending Institution: _____

Lender's Address: _____

City: _____ State: _____ Zip Code: _____

Outstanding Balance: \$ _____ Monthly Payment: \$ _____



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**Licensed Mental Health
Summary Statistics
March 2008 Application Cycle
as of September 3, 2008**

Applications Received			Rev	Awd	Ethnicity			Rev	Awd
175			136	7	African American			11	0
					Asian American			13	0
Gender			Rev	Awd	Caucasian			56	0
Male			22	2	Hispanic American			38	5
Female			114	5	Native American			0	0
Total			136	7	Other			18	2
								136	7

Program Specialty	Rev	Awd
Psychologist	14	2
Marriage and Family Therapist	21	1
Marriage and Family Therapist Intern	59	2
Licensed Clinical Social Worker	13	0
Associate Clinical Social Worker	29	2
Total	136	7

Employment County	Rev	Awd	County (cont.)	Rev	Awd	County (cont.)	Rev	Awd
Alameda	10	0	Marin	1	0	San Mateo	2	0
Alpine	0	0	Mariposa	0	0	Santa Barbara	1	0
Amador	0	0	Mendocino	0	0	Santa Clara	3	0
Butte	2	0	Merced	0	0	Santa Cruz	1	0
Calaveras	0	0	Modoc	0	0	Shasta	4	1
Colusa	0	0	Mono	0	0	Sierra	0	0
Contra Costa	1	0	Monterey	2	0	Siskiyou	1	0
Del Norte	0	0	Napa	2	0	Solano	2	0
El Dorado	0	0	Nevada	1	0	Sonoma	2	0
Fresno	6	1	Orange	3	1	Stanislaus	1	0
Glenn	0	0	Placer	1	0	Sutter	0	0
Humboldt	3	0	Plumas	0	0	Tehama	0	0
Imperial	0	0	Riverside	1	0	Trinity	0	0
Inyo	0	0	Sacramento	8	2	Tulare	5	0
Kern	1	0	San Benito	0	0	Tuolumne	0	0
Kings	0	0	San Bernardino	3	0	Ventura	0	0
Lake	1	0	San Diego	5	0	Yolo	0	0
Lassen	0	0	San Francisco	4	0	Yuba	2	0
Los Angeles	51	2	San Joaquin	4	0			
Madera	0	0	San Luis Obispo	2	0			
							136	7

Employment Site	Rev	Awd	Site (cont.)	Rev	Awd
Achievekids	1	0	Lake Avenue Church	1	0
Alameda County Health Agency	1	0	Lifelong Medical Care	1	0
Alameda Family Services	1	0	Lincoln Child Center	1	0
Almansor Center	3	0	Los Prietos Boys Camp	1	0
Asian Pacific Counseling & Treatment Centers	1	0	Marin County Dept. of Health & Human Svcs.	1	0
Atascadero State Hospital	2	0	Mental Health Drug Treatment Court	1	0
Augustus F. Hawkins CCU	2	0	Mission Neighborhood Health Center	1	0
Axis Community Health	1	0	Napa County Health and Human Services	1	0
CA Department of Mental Health: Vacaville	2	0	Napa State Hospital	1	0
California Hospital Medical Center	1	0	Nevada County Behavioral Health	1	0
California Institution for Women	1	0	Open Line Foster Family Agency	1	0
Child Crisis Services	1	0	Pacific Asian Counseling Services	2	0
Children's Institute, Inc.	1	0	Palmdale Mental Health Clinic	1	0
Christian Counseling Services	2	0	Penny Lane Centers	1	0
Coalinga State Hospital	1	0	Portals Calworks SA-4	1	0
Coastal Asian Pacific Islander Family Mental Health	1	0	Portals Calworks SA-6	1	0
Community Solutions	1	0	Prototypes	1	0
County of Fresno-Dept. of Children & Family Svcs.	1	0	Providence Community Services	2	0
County of Orange Adult Mental Health Services	1	0	R House, Inc.	1	0
County of Orange Healthcare Agency, Behavioral	1	1	Redwood Children's Services, Inc.	1	0
County of Placer Adult System of Care	1	0	Regional Center of the East Bay	1	0
County of Santa Cruz Health Services Agency	1	0	Remi Vista, Inc.	2	0
County of Siskiyou Behavioral Health Services	1	0	Rubicon Programs Inc.	1	0
Downtown Mental Health Center, County of L.A.	1	0	Sacramento Children's Home	4	1
EE's Residential Group Homes	1	0	Sacramento County Department of Health and	1	1
Emergency Outreach Bureau (LA County)	1	0	Salinas Valley Psychiatric Program - CA	1	0
EMQ Family and Children Services	1	0	Salvation Army	1	0
Families First: Stockton	2	0	San Diego Youth and Community Services	2	0
Families First: Fresno	3	1	San Fernando Valley Community Mental Health	3	0
Family Services	2	0	San Joaquin County Behavioral Health	2	0
Five Acres	4	0	San Mateo County AIDS Program/Edison	1	0
Foothill Family Services	1	1	Sequoia Youth Services	1	0
For the Child	1	0	Shasta County Mental Health Services	2	1
Fred Finch Youth Center	1	0	Shasta Treatment Center	1	0
Fresno Center for New Americans	1	0	Sierra Vista Child and Family Services	1	0
Hathaway Sycamores Child & Family Services	1	0	Skid Row Housing Trust	1	0
Hayim Tovim Adult Day Health Care Center	1	0	Southwest Community Health Center	1	0
Hollywood Mental Health Center	1	0	Special Service for Groups	2	0
Humboldt County Mental Health	1	0	SPIRITT Family Services	1	0
Hyde Park School, LAUSD	1	0	Stars Behavioral Health Group	1	0
Instituto Familiar de la Raza, Inc.	2	0	Survivors of Torture, International	1	0
Jewish Family Services of LA	1	0	Tessie Cleveland Community Services Group	1	0
Kern High School District	1	0	The Help Group Child and Family Center	1	0
Koreatown Youth and Community Center	1	0	Tri-City Health Center	1	0
La Clinica de la Raza, Casa del Sol	2	0	Tulare County Mental Health	1	0
LA County Long Beach Mental Health	1	0	Turning Point Community Programs	1	0
LA County/Long Beach Child & Adolescent	1	0	Twin Towers Correctional Facility	1	1
LA County Office of Education	1	0	Victor Community Support Services	2	0
LA County Probation Department	1	0	Visalia Adult Clinic for the County of Tulare	1	0
LA Department of Mental Health	1	0	Vista Del Mar Child and Family Services	1	0
LA County Dept. of Mental Health/Jail Mental Health	1	0	Western Youth Services	2	0
LA Child Guidance Clinic	1	0	Youth and Family Enrichment Services	1	0
La Familia Counseling Center, Inc.	2	0	Youth for Change	1	0
Total				136	7

Funding:

Amount Allocated
\$77,500

Amount Requested
\$2,664,475.07

Amount Awarded
\$76,897.72

Program Summary:

There were a total of one-hundred seventy-five (175) applications received of which thirty-six (36) applications were deemed incomplete or ineligible.

The Licensed Mental Health Advisory Committee met in Sacramento on Wednesday, April 23, 2008 to review and score the one-hundred thirty-six (136) eligible applications. Of the one-hundred thirty-six (136) applications, seven (7) applicants were chosen for loan repayment awards. Seventeen (17) applicants did not meet the minimum scoring criteria of 70% and one-hundred twelve (112) applicants were not awarded due to a lack of available funding.

Awardees:

Board of Behavioral Sciences				
Awardee	Employer Name	Employment County	Amount Awarded	Average Score
Corri Chadwick	Sacramento Children's Home	Sacramento	\$10,570.37	22.0
Helen Chambers	Shasta County Mental Health	Shasta	\$10,570.37	21.3
Rosa Cobarruvias	Families First	Fresno	\$9,385.51	22.0
Luwin Kwan	Foothill Family Service	Los Angeles	\$10,570.37	22.0
Viva Vang	Sacramento County Department of Health and Human Services	Sacramento	\$10,570.37	22.0

Board of Psychology				
Awardee	Employer Name	Employment County	Amount Awarded	Average Score
Zelda Nash	Twin Towers Correctional Facility	Los Angeles	\$15,000.00	22.0
Melvin Navarro	County of Orange, Health Care Agency	Orange	\$10,230.73	21.0

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**Licensed Mental Health
Summary Statistics
September 2008 Application Cycle**

Applications Received	Rev	Awd
449	377	23

Gender	Rev	Awd
Male	60	4
Female	317	19
Total	377	23

Ethnicity	Rev	Awd
African American	38	3
Asian American	135	0
Caucasian	121	7
Hispanic American	34	10
Native American	4	1
Other	27	2
No Answer Given	18	0
Total	377	23

Program Specialty	Rev	Awd
Licensed Psychologist	14	5
Registered Psychologist	3	1
Postdoctoral Psychological Assistant	1	0
Postdoctoral Psychological Trainee	1	0
Licensed Marriage and Family Therapist	57	3
Marriage and Family Therapist Intern	160	10
Licensed Clinical Social Worker	36	0
Associate Clinical Social Worker	105	4
Total	377	23

Employment County	Rev	Awd	County (cont.)	Rev	Awd	County (cont.)	Rev	Awd
Alameda	18	1	Marin	1	0	San Mateo	8	0
Alpine	0	0	Mariposa	1	0	Santa Barbara	1	0
Amador	0	0	Mendocino	1	0	Santa Clara	8	1
Butte	10	0	Merced	0	0	Santa Cruz	4	0
Calaveras	0	0	Modoc	0	0	Shasta	8	0
Colusa	1	0	Mono	0	0	Sierra	1	0
Contra Costa	3	0	Monterey	5	0	Siskiyou	1	0
Del Norte	0	0	Napa	6	0	Solano	5	0
El Dorado	4	1	Nevada	1	0	Sonoma	2	0
Fresno	12	0	Orange	12	0	Stanislaus	4	1
Glenn	1	1	Placer	1	0	Sutter	1	0
Humboldt	2	1	Plumas	0	0	Tehama	2	0
Imperial	0	0	Riverside	18	0	Trinity	0	0
Inyo	0	0	Sacramento	9	0	Tulare	11	2
Kern	5	0	San Benito	1	0	Tuolumne	1	0
Kings	0	0	San Bernardino	17	2	Ventura	7	0
Lake	1	0	San Diego	7	1	Yolo	0	0
Lassen	0	0	San Francisco	22	1	Yuba	1	0
Los Angeles	134	11	San Joaquin	11	0			
Madera	4	0	San Luis Obispo	4	0			
							377	23

Funding:

Amount Requested
\$5,454,973.92

Amount Allocated for this
Cycle
\$207,500

Amount Awarded
\$207,499.95

Program Summary:

There were a total of 449 applications received of which 73 applications were deemed incomplete or ineligible.

The Licensed Mental Health Selection Advisory Committee and the Health Professions Education Foundation Staff met in Los Angeles on Thursday, October 23, 2008 to review the scores of the 376 complete applications. Of the 376 applications, 23 were chosen for loan repayment awards, 46 applicants did not meet the minimum scoring criteria of 15.4 points or 70 percent and 307 applicants were not awarded due to a lack of available funding.

Awardees:

Board of Psychology				
Awardees	Employer Name	Employment County	Amount Awarded	Average Score
Evlin Abed	County of Los Angeles Barry J. Nidorf Juvenile Hall	Los Angeles	\$10,375.00	21.7
Tina Houston	Children's Institute Incorporated	Los Angeles	\$10,375.00	21.7
Julia Esqueda-Arteaga	Children's Institute Incorporated	Los Angeles	\$10,375.00	21.0
Sandra Eto	CDCR California Institute for Women	San Bernardino	\$10,375.00	20.3
Zoada Harris	Royal Mental Health Services	Los Angeles	\$10,375.00	20.0
Dominique Kinney	Patton State Hospital	San Bernardino	\$10,375.00	20.0
Total Amount Awarded			\$62,250.00	

Board of Behavioral Sciences				
Awardees	Employer Name	Employment County	Amount Awarded	Average Score
Shawna Bell	Two Feathers Native American Family Services	Humboldt	\$7,175.07	22.0
Antonio Banuelos	Arcadia Mental Health Center	Los Angeles	\$8629.68	22.0
Amanda Hoggatt	Foothill Family Service	Los Angeles	\$8629.68	22.0
Ana Leon	Gardner Family Care Corporation	Santa Clara	\$8629.68	22.0
Eva Sabala	Human Resources Bureau	Los Angeles	\$8629.68	22.0
Heather Claibourn	Glenn County Personnel	Glenn	\$8629.68	21.7
Timothy Koford	Sequoia Youth Services	Tulare	\$8629.68	21.7
Jonathan Maddox	Child Crisis/MST Program	San Francisco	\$8629.68	21.7
Rima Roberts	Fred Finch Youth Center	Alameda	\$8629.68	21.7
Amber Rukaj	Walden Family Services	San Diego	\$8629.68	21.7
Shelley Shepard	New Morning Youth and Family Services, Inc.	El Dorado	\$8629.68	21.7
Kym Codallos	Stanislaus County Behavioral Health and Recovery Services	Stanislaus	\$8629.68	21.7
Jaime Paz	St. Francis Medical Center	Los Angeles	\$8629.68	21.7
Nadia Lufti	Intercommunity Child Guidance Center	Los Angeles	\$8629.68	21.3
Yolanda Echebeste-Silva	Tulare Youth Service, Inc.	Tulare	\$8629.68	21.3
Rosemary Flores	Child and Family Guidance Center	Los Angeles	\$8629.68	21.3
Catherina Galvez	The Help Group	Los Angeles	\$8629.68	21.3
Total Amount Awarded			\$145,249.95	

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MENTAL HEALTH PRACTITIONER EDUCATION FUND CONDITION STATEMENT
 Actual Expenditures As of June 30, 2008
 Updated As Of January 23, 2009

PROJECTED FUND CONDITION	2003/04 ACTUAL	2004/05 ACTUAL	2005/06 ACTUAL	2006/07 ACTUAL	2007/08 ACTUAL	2008/09 ESTIMATED	2009/10 ESTIMATED	2010/11 ESTIMATED	2011/12 ESTIMATED	2012/13 ESTIMATED
BEGINNING RESERVES	-	\$119,257	\$370,592	\$605,752	\$881,852	\$1,047,254	\$938,254	\$818,254	\$696,244	\$572,164
Prior Year Adjustment	-	-253	-313	-1,331	-923	-	-	-	-	-
Reserves, Adjusted	-	119,004	370,279	604,421	880,929	1,047,254	938,254	818,254	696,244	572,164
REVENUES AND TRANSFERS:										
Revenues:										
Surcharge on Licensure Fees (\$10.00)	119,257	275,550	286,320	293,779	322,460	312,000	312,000	312,000	312,000	312,000
Board of Psychology	(24,797)	(67,320)	(68,190)	(76,499)	(84,370)	(93,600)	(93,600)	(93,600)	(93,600)	(93,600)
Board of Behavioral Sciences	(94,460)	(208,230)	(218,130)	(217,280)	(238,090)	(218,400)	(218,400)	(218,400)	(218,400)	(218,400)
Interest Earned from Surplus Money Investment Fund	-	1,457	19,548	38,215	44,001	50,000	50,000	50,000	50,000	50,000
Total Revenue	119,257	277,007	305,868	331,994	366,461	362,000	362,000	362,000	362,000	362,000
Totals, Resources	\$119,257	\$396,011	\$676,147	\$936,415	\$1,247,390	\$1,409,254	\$1,300,254	\$1,180,254	\$1,058,244	\$934,164
EXPENDITURES:										
Disbursements:										
Foundation Support Costs	-	25,419	70,395	54,642	45,594	56,000	67,000	69,010	71,080	73,213
Loan Repayments	-	-	-	-	154,398	415,000	415,000	415,000	415,000	415,000
Board of Psychology	-	-	-	-	(51,064)	(124,500)	(124,500)	(124,500)	(124,500)	(124,500)
Board of Behavioral Sciences	-	-	-	-	(103,334)	(290,500)	(290,500)	(290,500)	(290,500)	(290,500)
Prior Year Adjustment	-	-	-	-79	171	-	-	-	-	-
Prior Prior Year Adjustment	-	-	-	-	-27	-	-	-	-	-
Total Expenditures	-	25,419	70,395	54,563	200,136	471,000	482,000	484,010	486,080	488,213
FUND BALANCE	\$119,257	\$370,592	\$605,752	\$881,852	\$1,047,254	\$938,254	\$818,254	\$696,244	\$572,164	\$445,951
PROPOSED RESERVE	-	-	-	\$91,252	\$76,142	\$93,520	\$111,890	\$115,247	\$118,704	\$122,265
EXCESS FUND BALANCE	\$119,257	\$370,592	\$605,752	\$790,600	\$971,112	\$844,734	\$706,364	\$580,997	\$453,460	\$323,686

This fund used to provide loan repayments to Psychologists, Marriage Family Therapists, and Licensed Clinical Social Workers.

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Application Volumes

	ASW	% Change	LCS	% Change	IMF	% Change	MFT	% Change	LEP	% Change	Total	% Change
FY 98/99	1276	14.1%	707	-0.6%	1995	-4.7%	1307	14.4%	48	-20.0%	5333	4.1%
FY 99/00	1179	-7.6%	788	11.5%	2126	6.6%	1362	4.2%	45	-6.3%	5500	3.1%
FY 00/01	1205	2.2%	770	-2.3%	1820	-14.4%	1189	-12.7%	56	24.4%	5491	-0.2%
FY 01/02	1408	16.8%	808	4.9%	2245	23.4%	1297	9.1%	53	-5.4%	5811	5.8%
FY 02/03	1335	-5.2%	867	7.3%	2236	-0.4%	1313	1.2%	85	60.4%	5836	0.4%
FY 03/04	1422	6.5%	948	9.3%	2415	8.0%	1386	5.6%	108	27.1%	6279	7.6%
FY 04/05	1549	8.9%	998	5.3%	2614	8.2%	1328	-4.2%	98	-9.3%	6587	4.9%
FY 05/06	1628	5.1%	993	-0.5%	2775	6.2%	1478	11.3%	100	2.0%	6974	5.9%
FY 06/07	1764	8.4%	955	-3.8%	2952	6.4%	1499	1.4%	91	-9.0%	7261	4.1%
FY 07/08	2162	22.6%	1113	16.5%	3329	12.8%	1660	10.7%	127	39.6%	8391	15.6%
AVG Growth		7.2%		4.8%		5.2%		4.1%		10.4%		5.1%

Budget Going Forward

As previously mentioned, the furloughs will result in the closure of our office the first and third Friday of every month through June 30, 2010. This will reduce salaries and wages by 10%. However, Governor Schwarzenegger has proposed to claw back these savings.

The tough economic times we are facing throughout the nation, are likely to continue and appears to be getting worse each day. There is not a budget in place and no prospect of one at this point. Realistically, it could take several years to improve and in turn the nation could potentially face additional financial problems.

Elements of uncertainty:

- With budget discussions currently taking place, we hope to receive notification of an approved budget that will be in effect through June 2010.
- We are approaching a fiscal year (2010/11), which will be the final budget negotiated by Governor Arnold Schwarzenegger. This adds uncertainty for the state and the budget situation.
- Despite current discussions of IOUs being issued, as the state nears running out of money, the Board has been advised that State Controller John Chiang directed that special fund contracts be paid for services rendered.

Summary

2008-2009 Fiscal Year

As of January 2009, the Board's expenditure report projects that we will have a year-end balance of approximately \$144,000 in FY 2008-09. Please see the enclosed expenditure report for more detail.

Additionally, our current fund condition report reflects 7 months in reserve and reflects \$9 million in outstanding general fund loans.

Executive Order S-16-08 directs all represented employees and supervisors to be furloughed two days per month, effective February 1, 2009 through June 30, 2010. The Department of Personnel Administration, under the Governor's authority and at the direction of the Governor, has developed a furlough plan that will result in the closing of general government operations on the first and third Fridays of each month, scheduled to begin February 6, 2009. As such, these unpaid furlough days are not work days and employees shall not report to work. Salaries will be adjusted to reflect the unpaid furlough days, but benefits will remain the same (i.e., the furlough will not affect payouts for unused leave, service credit, health and retirement benefits, etc.).

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.

2009-2010 Fiscal Year

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. In FY 09/10, the Board will see an increase of four PYs as a result of this BCP. Additionally, the Governor's budget includes an increase to the Board's Attorney General budget by \$409,556.

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.

While the Legislative Analyst's Office (LAO) would require details from the Schwarzenegger administration regarding how the consolidation or elimination of the proposal would be implemented, they have endorsed the Governor's proposal, stating "it has merit and should be adopted."

Spending Authority

The Board's budget consists of both Non-Discretionary and Discretionary funds. Of the board's budget, approximately 64% of its expenditures are non-discretionary and 36% discretionary.

Non-discretionary funds make up what is known as Personal Services, such as:

- Salary and wages
- Staff benefits
- Departmental billing
- Interagency services (OER Inter-Agency Agreements)

Discretionary funds make up what is known as Operating Expenses and Equipment, such as:

- Overtime
- General Expense
- Travel
- Training

The Board's overall budget has increased approximately 31% over the last five years. Specifically, the budget has increased from \$4,599,820 in Fiscal Year (FY) 2003/04 to \$6,013,333 in FY 2008/09.

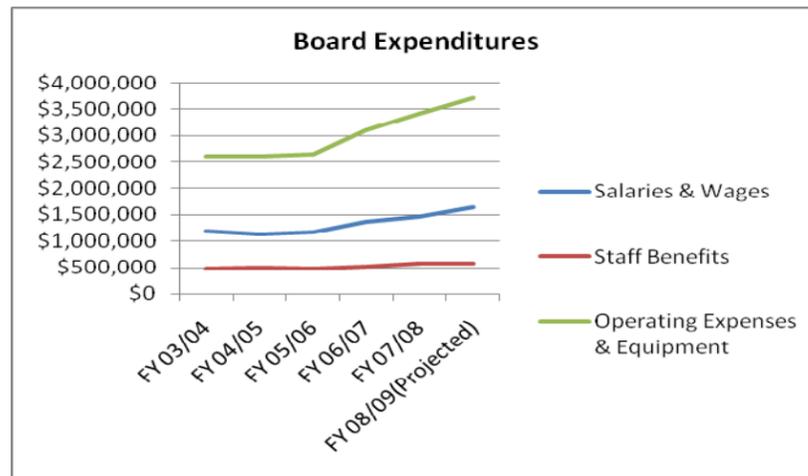
	FY 03/04	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY09/10(Proposed)
Budget Allotment	\$4,599,820	\$4,738,033	\$4,800,079	\$5,060,005	\$5,771,429	\$6,013,333	\$6,934,000

Board Expenditures

The Board has seen approximately a 28% growth in its expenditures during the period of FY 2003/04 thru FY 2007/08 (Graph 1), with the largest increase in the areas of Division of Investigation (DOI) and Training. With the consistent increase of expenditures, the board has also increased Personnel Years (PY) from 28.3 in FY 03/04 to 30.3 in FY 07/08, 33.8 in FY 08/09, and will be 36.8 in FY 09/10.

Graph 1

	FY 03/04	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09(Projected)
Salaries & Wages	\$1,179,302	\$1,127,015	\$1,174,363	\$1,362,884	\$1,460,531	\$1,642,080
Staff Benefits	\$468,198	\$490,027	\$471,627	\$518,582	\$583,223	\$573,510
Operating Expenses & Equipment	\$2,616,001	\$2,621,482	\$2,651,063	\$3,104,810	\$3,407,275	\$3,703,330
Totals	\$4,263,501	\$4,238,524	\$4,297,053	\$4,986,276	\$5,451,029	\$5,918,920



Two notable trends in the Board's expenditures are in the Enforcement and Exam programs. The Enforcement program continues to see an increase of DOI and Attorney General (AG) expenditures, as a result of the increase of cases being opened by staff and referred for investigation. Specifically, DOI expenses have increased from \$30,654 in FY 2003/04 to over \$341,000 in FY 2007/08 and have exceeded \$147,000 thus far in FY 2008/09. We anticipate our DOI expenses to be in excess of \$294,000. (Graph 2)

AG expenditures have increased from \$243,362 in FY 2003/04 to over \$449,600 in FY 2007/08 and have exceeded \$290,100 thus far in FY 2008/09. We anticipate our AG expenses to be in excess of \$580,000.

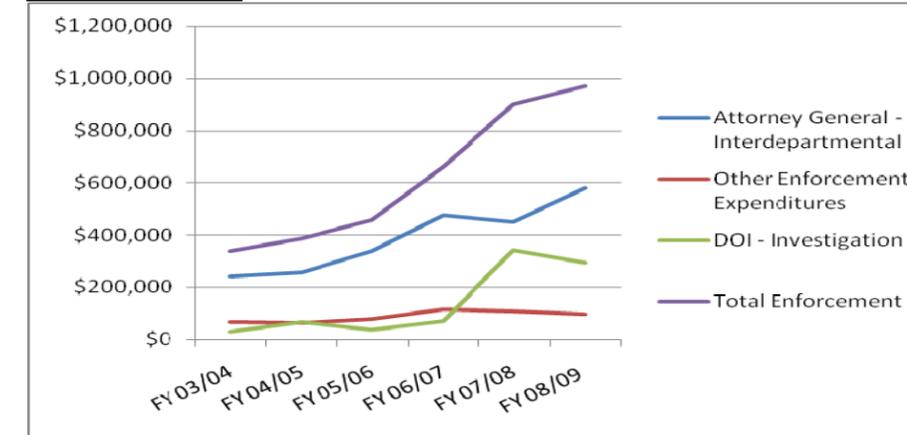
Additionally, the Board has seen over a 200% increase in its Enforcement Programs staffing costs. The program has increased from six PYs in FY 2004/05 which totaled more than \$253,000 to 11 PYs in FY 2008/09 and will increase to 13 PYs in FY 2009/10 for a total of approximately \$694,000.

The Board's Investigative Analysts were hired in December 2008 and are in transition into their new role. We anticipate our DOI expenditures to gradually decline over the next three years. They will perform the majority of the investigative work for the Board's enforcement program that is currently being sent to DOI.

Meanwhile, the Board's Exam Unit has seen a decrease of expenditures. Specifically as a result of lower Psychological Services Inc. (PSI) billing costs, that have decrease approximately 10%.

Graph 2

Enforcement Unit



Note: FY 2008/09 based on projections

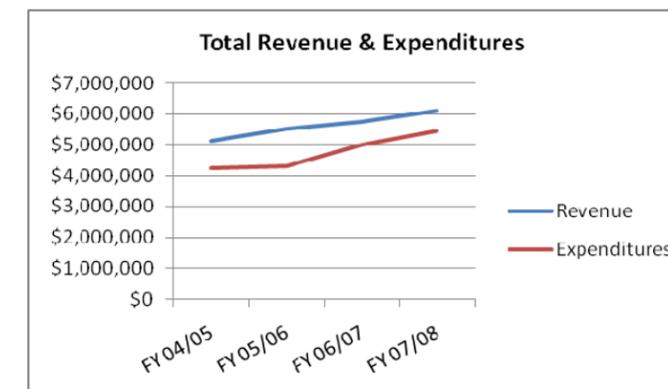
Revenue

The Board has seen an increase of approximately 19% in revenue over the past four years, which is made up from a combination of the following:

- New applications
- Renewal fees
- Delinquent fees
- Interest

The increase is a result of the rising application volume that the board has been experiencing over the past several years and increasing interest earnings. The Board has had a 34% growth in application volume in the past five years. See the table on page four which tracks changes in application volume.

As of December 31, 2008, Board revenue has exceeded \$3.5 million.



BBS EXPENDITURE REPORT FY 2008/2009

OBJECT DESCRIPTION	07/08	FY 2008/09			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 12/31/08	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,298,444	1,655,432	676,275	1,436,782	218,650
Salary & Wages (Stat Exempt)	94,224	91,128	47,112	90,298	830
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	2,300	10,000	2,900
Overtime	9,587	7,533	13,938	65,000	(57,467)
Totals Staff Benefits	583,222	679,541	309,536	573,510	106,031
Salary Savings		(73,601)			(73,601)
TOTALS, PERSONAL SERVICES	2,043,753	2,373,482	1,049,161	2,215,590	157,892
OPERATING EXP & EQUIP					
Fingerprint Reports	3,643	36,954	2,531	13,044	23,910
General Expense	58,832	36,326	31,187	60,000	(23,674)
Printing	74,714	101,847	38,742	80,000	21,847
Communication	8,686	29,200	4,880	7,781	21,419
Postage	58,963	112,435	30,755	65,448	46,987
Travel, In State	107,417	94,948	37,618	100,000	(5,052)
Travel, Out-of-State	3,010	3,002	0	0	3,002
Training	12,612	19,730	1,993	10,000	9,730
Facilities Operations	166,323	211,039	83,150	161,760	49,279
C&P Services - Interdept.	0	14,360	0	0	14,360
C&P Services-External Contracts	85,429	10,553	1,596	70,000	(59,447)
DEPARTMENTAL PRORATA					
DP Billing	331,489	408,305	204,054	408,305	0
Indirect Distribution Costs	300,896	353,159	176,394	353,159	0
Public Affairs	15,114	17,602	8,796	17,602	0
D of I Prorata	10,020	14,253	7,104	14,253	0
Consumer Relations Division	11,989	17,302	16,596	17,302	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	1,121	15,000	8,437
Data Proc (Maint,Supplies,Cont)	27,654	7,072	8,002	16,000	(8,928)
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	188,946	380,000	20,278
Expert Examiners (404.01)	326,525	283,818	121,838	325,000	(41,182)
ENFORCEMENT					
Attorney General	449,616	443,542	290,189	580,000	(136,458)
Office of Admin. Hearing	66,380	104,568	32,997	60,000	44,568
Court Reporters	6,737	0	1,093	1,192	(1,192)
Evidence/Witness Fees	42,594	68,570	17,768	35,830	32,740
Division of Investigation	341,690	295,306	147,264	294,525	781
Minor Equipment (226)	33,938	33,800	28,498	33,800	0
Major Equipment (Replace/Addit)	0	5,000	0	5,000	0
TOTAL, OE&E	3,407,277	3,689,851	1,640,273	3,703,330	(13,479)
TOTAL EXPENDITURES	5,451,030	\$6,063,333	\$2,689,434	\$5,918,920	144,413
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	\$6,013,333	\$2,689,434	\$5,918,920	\$144,413

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

BOARD OF BEHAVIORAL SCIENCES

Analysis of Fund Condition

(Dollars in Thousands)

NOTE: \$9.0 Million General Fund Repayment Outstanding

	Actual					
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
BEGINNING BALANCE	\$ 6,273	\$ 7,048	\$ 4,174	\$ 3,242	\$ 2,162	\$ 1,440
Prior Year Adjustment	\$ 59	\$ -	\$ -	\$ -	\$ -	
TOTAL ADJUSTED RESERVES	<u>\$ 6,332</u>	<u>\$ 7,048</u>	<u>\$ 4,174</u>	<u>\$ 3,242</u>	<u>\$ 2,162</u>	<u>\$ 1,440</u>
REVENUES AND TRANSFERS						
Revenues:						
Fees	\$ 5,737	\$ 5,801	\$ 5,858	\$ 5,858	\$ 5,858	\$ 5,858
Interest	\$ 295	\$ 342	\$ 144	\$ 42	\$ 28	\$ 11
Totals, Revenues	\$ 6,032	\$ 6,143	\$ 6,002	\$ 5,900	\$ 5,886	\$ 5,869
Transfers from Other Funds						
F00683 Teale Data Center	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Tranfers to Other Funds						
General Fund Loan		(3000)				
TOTAL REVENUES AND TRANSFERS	<u>\$ 6,032</u>	<u>\$ 3,143</u>	<u>\$ 6,002</u>	<u>\$ 5,900</u>	<u>\$ 5,886</u>	<u>\$ 5,869</u>
TOTAL RESOURCES	<u>\$ 12,364</u>	<u>\$ 10,191</u>	<u>\$ 10,176</u>	<u>\$ 9,142</u>	<u>\$ 8,048</u>	<u>\$ 7,309</u>
EXPENDITURES						
Disbursements:						
State Controller (State Operations)	\$ 4	\$ 4	\$ -	\$ -	\$ -	
Program Expenditures (State Operations)	\$ 5,312	\$ 5,961	\$ 6,267	\$ 6,128	\$ 6,251	\$ 6,376
Projected Expenses (BCPs)		\$ 52	\$ 667	\$ 852	\$ 357	\$ 357
TOTA	<u>\$ 5,316</u>	<u>\$ 6,017</u>	<u>\$ 6,934</u>	<u>\$ 6,980</u>	<u>\$ 6,608</u>	<u>\$ 6,733</u>
FUND BALANCE						
Reserve for economic uncertainties	\$ 7,048	\$ 4,174	\$ 3,242	\$ 2,162	\$ 1,440	\$ 576
Months in Reserve	14.1	7.2	5.6	4.1	2.7	1.1

NOTES:

ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 20010-11

MHSa EXPENDITURE REPORT

FY 2008/2009

OBJECT DESCRIPTION	2007/08	FY 2008/09				
	EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 12/31/08	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE	% OF TOTAL BUDGET
FIXED EXPENSES (Non-Discretionary)						
PERSONAL SERVICES						
Salary & Wages (Civ Svc Perm)	35,055	64,000	32,404	63,336	664	
Totals Staff Benefits	14,356	26,511	12,956	27,782	(1,271)	
Salary Savings		(3,083)			(3,083)	
OPERATING EXPENSES & EQUIP						
Facilities Operations	1,330	2,000	1,160	2,280	(280)	
General Expense	926	5,772	488	15,400	(9,628)	
Communication	0	1,000	364	800	200	
TOTAL FIXED EXPENSES	51,667	96,200	47,372	109,598	(13,398)	36.7%
NON-FIXED EXPENSES (Discretionary)						
Printing	0	800	0	500	300	
Postage	0	800	0	500	300	
Travel, In State	2,515	200	163	500	(300)	
Training	550	1,000	600	1,000	0	
Minor Equipment (226)	2,899	0	346	500	(500)	
C&P Svcs - External (402)		200,000	8,300	155,400	44,600	
TOTAL DISCRETIONARY EXPENSES	5,964	202,800	9,409	158,400	44,400	53.0%
TOTAL EXPENDITURES	57,631	\$299,000	\$56,780	\$267,998	\$31,002	

Index - 3085

PCA - 18385

DGS Code - 057472

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To: Board Members

Date: February 10, 2009

From: Kim Madsen
Assistant Executive Officer

Telephone: (916) 574-7841

Subject: Strategic Plan Update

Background

In August 2007, the Board adopted its current Strategic Plan. At that time, the State of California was not facing the budget deficit it is experiencing today. In an effort to address this deficit, the Governor has proposed program reductions, elimination or merger of programs, and ordered the furlough of state employees. While the Board is not subject to some of the proposals, the twice monthly furlough will impact Board operations.

Specifically, each month for the next 17 months, Board employees will not report to work for two days (16 hours a month). For each employee this equals 7 days leave over the next 17 months. This time is unpaid and equals a 10% reduction in salary for all staff in addition to the over 9,000 hours lost in productivity. Moreover, the Board will be implementing the retroactive fingerprint process in October 2009.

These circumstances will significantly influence management's decision as to where board resources, including staff, are allocated. As a result, the management team reviewed the Strategic Plan to assess the status of each objective.

Goals and Objectives Review

The management team approached the Strategic Plan objective review with the following criteria, considering board resources, staffing, and the upcoming retroactive fingerprint process.

- Identify objectives in which significant progress was accomplished and could be completed by December 2009 or by the established time line. Three objectives met the criterion and are listed below.
 - 1.1 Improve internal communications by 33% as measured by the internal communications survey by July 1, 2011.
 - 1.4 Improve complainant satisfaction by 50% by July 1, 2012.
 - 2.3 Secure passage of legislation to revise the curriculum for marriage and family therapist licensure by January 1, 2009.
- Identify objectives that could be suspended, but still could be accomplished by the established time line. These objectives are listed as Active with a notation of work completed to date.

- Identify objectives in which the Board was awaiting receipt of additional information/research from another source, or an action by the Department of Consumer Affairs. These objectives are listed as Inactive.
- Identify objectives that still are viable, however, given the current circumstances, adjusting of time lines would be appropriate. Three objectives met this criterion.

Staff Recommendation

- Board Staff recommends proceeding to accomplish the three objectives identified as those near completion.
- Monitor the active and inactive objectives. Upon receipt of information and as resources permit, continue work on the objective.
- Extend the time lines on objectives 1.5, 4.2, and 4.3
- Rephrase objective 1.1 to reflect the Department of Consumer Affairs initiative of "Overall Customer Satisfaction."
- Rephrase objective 4.1 to rename "iLicensing" to "BreEZe."

If the Board approves the above recommendations, staff is confident in meeting the objectives within the established time lines. Continued updates will be provided at future board meetings. Another comprehensive review will be conducted at the end of December 2009, with a full report to the Board in February 2010.

STATUS OF STRATEGIC OBJECTIVES

As of February 1, 2009

GOAL/OBJECTIVE		STATUS	NOTES	Suggested Action
GOAL 1: Be a Model State Agency				
1.1	Increase the board's accessibility rating on the customer satisfaction survey to 85% by July 1, 2012.	Active	Monthly reports are generated from the customer satisfaction survey.	<i>Consider rephrasing this objective to measure customer's overall satisfaction.</i>
1.2	Improve internal communications by 33% as measured by the internal communications survey by July 1, 2011.	Active	Communication Training Class scheduled in May for BBS staff. Communication Survey in development.	
1.3	Increase staff productivity index by 10% by July 1, 2012.	Inactive		
1.4	Improve complainant satisfaction by 50% by July 1, 2012.	Active	Developing baseline. Anticipate improvement as a result of hiring 2 BBS Field Investigators.	
1.5	Have all employees complete BBS certification by July 1, 2010.	Inactive		<i>Extend due date to 2012.</i>
1.6	Conduct 45 outreach events per fiscal year by July 1, 2012.	Active	Conducted 26 events to date. 15 events remain this FY. Mandated furloughs will require BBS to reduce participation until June 2010.	
1.7	Increase Board appointees' effectiveness index by 10% by July 1, 2012.	Active	Survey model built. Implementation March 2009.	
1.8	Implement a plan that enables the Board and its professions to assist Californians during an emergency by July 1, 2012.	Inactive	BBS Emergency Protocol in place.	
Goal 2: Influence Changes in Mental Health Services throughout California				
2.1	Advocate for five laws that expand access to mental health services by July 1, 2012.	Active	An objective that will be achieved through the BBS legislation efforts.	
2.2	Implement four (4) strategies to improve the quality of clinical supervision by July 1, 2012.	Inactive	Workgroup report completed. Approval pending. LCSW Education Committee and Exam Program Review Committee work must be completed before resuming work on this objective.	
2.3	Secure passage of legislation to revise the curriculum for marriage and family therapist licensure by January 1, 2009.	Active	Curriculum changes submitted in SB 33. Bill introduced this year.	
2.4	Implement 6 strategies to improve the quality of treatment for co-occurring disorders by July 1, 2012.	Inactive		

Key: Objectives in bold are priority as determined by management team

GOAL/OBJECTIVE		STATUS	NOTES	
Goal 3: Promote Quality Mental Health Services				
3.1	Implement four (4) consumer awareness initiatives on the roles of mental health services by July 1, 2012.	Active	Aging and Mental Health information on web site. Publication in design.	
3.2	Provide 3 new publications in at least two (2) additional languages by July 1, 2012.	Active	Self Empowerment brochure to be translated into Spanish.	
3.3	Implement four (4) strategies to address demographic disparities between providers of mental health services and consumers by July 1, 2012.	Active	Strategies identified and additional research ongoing.	
Goal 4: Expand the Board's Access to Resources				
4.1	Achieve 70% utilization of iLicensing in the first year of implementation.	Inactive	DCA project renamed BreEZe. Final project bid due Feb. 10, 2009. BBS continues to participate in ongoing meetings.	<i>Rephrase "iLicensing" to "BreEZe."</i>
4.2	90% of BBS staff will participate in the Human Resource Management Plan by July 1, 2010.	Active		Readjust time line to 2012.
4.3	Obtain Access to Seven External Experts to Address Our Competency Gaps by July 1, 2009.	Active	One consultant contracted to work with Exam Committee.	<i>Readjust time line to 2012.</i>

Key: Objectives in bold are priority as determined by management team

Convictions/Subsequent Arrest

	Q407	Q108	Q208	Q308	Q408	Total/Avg
137 [115 203] Received	115	135	139	203	137	729
164 [77 177] Closed	77	120	90	177	164	628
197 [130 217] Pending**	130	145	194	217	197	

Consumer Complaints

	Q407	Q108	Q208	Q308	Q408	Total/Avg
191 [166 225] Received	225	166	174	196	191	952
189 [189 255] Closed	245	255	205	198	189	1092
307 [301 421] Pending**	421	332	301	302	307	

**The pending total is a snapshot of all pending items at the close of a quarter

Customer Satisfaction Survey

The Board maintains a Web based customer satisfaction survey. Satisfaction levels have been stable in recent quarters.

	Q208	Q308	Q408	Avg
59 [57 68] Overall Satisfaction	68	57	59	61
72 [63 72] Courtesy	67	63	72	67
53 [53 60] Accessibility	60	53	53	55
74 [64 74] Successful Service	66	64	74	68
82 [82 84] Helpful Website	83	84	82	83
30 [30 47] Receive Newsletter	47	39	30	39
71 [64 71] Newsletter Helpful	64	68	71	68
Total Respondents		176	152	328
> 6 contacts in 6 month		14	13	14
< 6 contacts in 6 month		86	87	87



Board of Behavioral Sciences – Operations Report

Introduction

This report provides statistical information relating to various aspects of the Board's business processes. Statistics are grouped by unit. The report relies predominantly on tables with accompanying "sparkbars," which are small graphs displaying trend over time.

Reading the Report

Items on the report are aggregated by quarter. The top of the column indicates the quarter and the year (Q407=10/2007-12/2007; Q108 = 1/2008-3/2008; Q208 = 4/2008-6/2008; Q308 = 7/2008-9/2008; Q408 = 10/2008 – 12/2008). The tables provide a combination of "totals" and "averages." Averages are represented in italics. Common abbreviations for licensees and registrants: LCSW = Licensed Clinical Social Worker; LEP = Licensed Educational Psychologist; MFT = Marriage and Family Therapist; ASW = Associate Clinical Social Worker; PCE = Continuing Education Provider. Other common abbreviations: Proc = Process; Def = Deficiency; CV= Clinical Vignette; AG = Attorney General.

Cashiering Unit

The Board's Cashiering Unit processes license renewals and applications, removes holds on incomplete license renewals, updates licensee and registrant name and address records, and completes various other tasks related to accounts received. The majority of renewal processing occurs in the Department of Consumer Affairs Central Cashiering Unit.

Renewals Processed In-House

Sparkline (Current Val)
(Low/High)

	Q407	Q108	Q208	Q308	Q408	Total/Avg
1456 [1456 2394] Processed	2394	1790	1909	1788	1456	9337
1202 [1202 2294] Received	2294	1847	1208	1563	1202	8114
7 [7 37] Proc Time	37	33	30	9	7	23

ATS Cashiering Items (e.g. exam eligibility apps, registration apps, etc)

	Q407	Q108	Q208	Q308	Q408	Total/Avg
4280 [4168 5268] Processed	4311	4168	4855	5268	4280	22882
4143 [4143 5237] Received	4173	4260	4708	5237	4143	22521
3 [3 4] Proc Time	3	3	4	4	3	3

Initial Licenses Issued*

	Q407	Q108	Q208	Q308	Q408	Total/Avg
227 [167 227] LCS	214	167	177	200	227	985
14 [14 40] LEP	25	40	26	21	14	126
332 [311 432] MFT	311	330	432	362	332	1767
50 [44 75] PCE	44	71	58	75	50	298

*For MFT Intern and ASW registration statistics, please reference the Licensing Unit portion of the report

Licensing Unit

The Board's Licensing Unit evaluates applications for registration and examination eligibility. This involves verifying educational and experiential qualifications to ensure they meet requirements defined in statute and regulation. This report (data through the end of December 08) indicates the continuation of backlogs in the LCSW and LEP licensing programs; however, those backlogs have been eliminated as of mid-February.

LCSW Examination Eligibility Applications

	Q407	Q108	Q208	Q308	Q408	Total/Avg
289 [255 289]	255	275	278	256	289	1353
291 [175 291]	251	237	210	175	291	1164
71 [26 75]	26	41	43	75	71	51
48 [19 48]			19	47	48	38

MFT Examination Eligibility Applications

	Q407	Q108	Q208	Q308	Q408	Total/Avg
369 [364 502]	387	364	502	462	369	2084
361 [356 460]	359	356	460	433	361	1969
34 [34 46]	40	46	34	36	34	38
8 [8 12]			12	11	8	10

LEP Examination Eligibility Applications

	Q407	Q108	Q208	Q308	Q408	Total/Avg
17 [17 34]	26	27	29	34	17	133
30 [20 30]	25	27	20	28	30	130
82 [34 91]	52	34	63	91	82	64
30 [30 32]			30	32	30	31

ASW Registration Applications

	Q407	Q108	Q208	Q308	Q408	Total/Avg
473 [409 826]	442	409	609	826	473	2759
599 [391 860]	449	391	404	860	599	2703
28 [14 28]	14	15	24	27	28	22
27 [9 27]		9	19	24	27	20

MFT Intern Registration Applications

	Q407	Q108	Q208	Q308	Q408	Total/Avg
740 [681 1250]	681	713	770	1250	740	4154
801 [661 1241]	661	683	663	1241	801	4049
28 [18 28]	18	21	24	21	28	22
25 [9 25]		9	17	17	25	17

Examination Unit

The Board's Examination Unit processes complaints and performs other administrative functions relating to the Board's examination processes. Testing volumes have been steady over the previous five quarters.

	Q407	Q108	Q208	Q308	Q408	Total
1960 [1900 2111]	1982	1925	2111	1900	1960	9878
361 [329 479]	372	432	479	329	361	1973
451 [390 451]	433	390	391	410	451	2075
564 [547 612]	598	547	591	612	564	2912
556 [512 617]	541	516	617	512	556	2742
28 [28 40]	38	40	33	37	28	176
31 [27 31]	31	27	27	30	31	146
166 [158 213]	213	169	201	158	166	907
124 [120 160]	156	123	160	120	124	683
98 [98 128]	127	110	128	98	98	561
74 [56 88]	88	56	78	65	74	361

Enforcement Unit

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. The board's enforcement program continues to see increased workload in disciplinary actions. We expect at least 50 final disciplinary decisions in the current fiscal year, up from 35 last year. The board's investigative analysts have been hired and received their initial training and are beginning to conduct field work. We expect that the analysts can eliminate our investigations backlog by the end of 2009.

Enforcement Activity

	Q407	Q108	Q208	Q308	Q408	Total/Avg
2 [2 15]	4	4	15	4	2	29
16 [6 18]	12	18	6	18	16	70
13 [5 13]	7	5	10	11	13	46
1 [0 1]	1	1	1	0	1	4
15 [6 15]	15	11	8	6	15	55
4 [2 25]	25	16	6	2	4	53
151 [132 197]	132	187	161	197	151	165.6

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To: Board Members

Date: February 9, 2009

From: Laurie Williams
Personnel Liaison

Telephone: (916) 574-7850

Subject: Personnel Update

New Employees:

Cynthi Burnett was hired in December to fill the vacant Enforcement Analyst position vacated by the promotion of Pearl Yu to Enforcement Manager. Cynthi comes to the BBS from the Department of Corrections and Rehabilitation.

Kimberly deLong joined the BBS in December. Kim is an Investigative Analyst in the Enforcement unit serving the Northern California territory. Kim comes to the BBS from the Department of Public Health.

Ann Glassmoyer joined the BBS in December. Ann is an Investigative Analyst in the Enforcement unit serving the Southern California territory. Ann reinstated to state service and previously worked for the Medical Board of California as a Compliance Specialist.

The Board hired four Student Assistants in December to assist with workloads in Licensing, Enforcement, Outreach and PC Support.

Angie Ramos joined the Board in early January to fill the vacant Management Services Technician position in the Enforcement Unit vacated by Cheree Kimball. Angie comes to the BBS from the Department of Public Health.

Kimberley Higginbotham was promoted in early January to an Office Assistant (Typing) at the BBS. Kimberley has been performing the duties that are more aligned with this classification.

Christina Kitamura was promoted to a Staff Services Analyst at the BBS in early January. Christina will be assuming new duties associated with the growth of our operations in addition to her current duties.

Linda Alderman has been hired as a Staff Services Analyst (Retired Annuitant). Linda will be performing special analytical projects to ensure the consistency of Board operations including a comprehensive review and revision of the desk procedure manuals for board functions and a review of Board forms.

Departures:

Cheree Kimball, who served the BBS as a Management Services Technician in the Enforcement Unit has promoted to a Staff Services Analyst with the Board of Optometry effective January 1st.

Vacancies:

The Board currently has filled all vacant positions.

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**BOARD OF BEHAVIORAL SCIENCES
2008 EXAMINATION STATISTICS**

EXAM TYPE	EXAM DATES	TOTAL EXAMINEES			1ST TIME TAKERS			2ND TIME TAKERS			3RD TIME TAKERS			4TH + TIME TAKERS		
		Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed
MFT Written Exam	07/01/08 – 12/31/08	1159	690 Passed (59%)	469 Failed (41%)	788	602 Passed (76%)	186 Failed (24%)	156	53 Passed (34%)	103 Failed (66%)	80	20 Passed (25%)	60 Failed (75%)	135	15 Passed (11%)	120 Failed (89%)
LCS Written Exam	07/01/08 – 12/31/08	676	387 Passed (57%)	289 Failed (43%)	431	313 Passed (73%)	118 Failed (27%)	115	44 Passed (38%)	71 Failed (62%)	40	8 Passed (20%)	32 Failed (80%)	90	22 Passed (24%)	68 Failed (76%)
LEP Written Exam	07/01/08 – 12/31/08	64	36 Passed (56%)	28 Failed (44%)	50	36 Passed (72%)	14 Failed (28%)	10	0 Passed (0%)	10 Failed (100%)	2	0 Passed (0%)	2 Failed (100%)	2	0 Passed (0%)	2 Failed (100%)
MFT Written Clinical Vignette	07/01/08 – 12/31/08	1056	728 Passed (69%)	328 Failed (31%)	746	541 Passed (72%)	205 Failed (28%)	180	119 Passed (66%)	61 Failed (34%)	68	42 Passed (62%)	26 Failed (38%)	62	26 Passed (42%)	36 Failed (58%)
LCS Written Clinical Vignette	07/01/08 – 12/31/08	855	462 Passed (54%)	393 Failed (46%)	470	257 Passed (55%)	213 Failed (45%)	207	114 Passed (55%)	93 Failed (45%)	102	59 Passed (58%)	43 Failed (42%)	76	32 Passed (42%)	44 Failed (58%)

EXAM TYPE	EXAM DATES	TOTAL EXAMINEES			1ST TIME TAKERS			2ND TIME TAKERS			3RD TIME TAKERS			4TH + TIME TAKERS		
		Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed	Total	Passed	Failed
MFT Written Exam	01/01/08 – 06/30/08	1126	753 Passed (67%)	373 Failed (33%)	712	584 Passed (82%)	128 Failed (18%)	172	96 Passed (56%)	76 Failed (44%)	69	34 Passed (49%)	35 Failed (51%)	173	39 Passed (23%)	134 Failed (77%)
LCS Written Exam	01/01/08 – 06/30/08	897	539 Passed (60%)	358 Failed (40%)	524	391 Passed (75%)	133 Failed (25%)	129	63 Passed (49%)	66 Failed (51%)	118	54 Passed (46%)	64 Failed (54%)	126	31 Passed (25%)	95 Failed (75%)
LEP Written Exam	01/01/08 – 06/30/08	72	57 Passed (79%)	15 Failed (21%)	61	48 Passed (79%)	13 Failed (21%)	5	5 Passed (100%)	0 Failed (0%)	2	1 Passed (50%)	1 Failed (50%)	4	3 Passed (75%)	1 Failed (25%)
MFT Written Clinical Vignette	01/01/08 – 06/30/08	1125	752 Passed (67%)	373 Failed (33%)	689	519 Passed (75%)	170 Failed (25%)	206	126 Passed (61%)	80 Failed (39%)	84	51 Passed (61%)	33 Failed (39%)	146	56 Passed (38%)	90 Failed (62%)
LCS Written Clinical Vignette	01/01/08 – 06/30/08	775	331 Passed (43%)	444 Failed (57%)	443	205 Passed (46%)	238 Failed (54%)	175	67 Passed (38%)	108 Failed (62%)	83	35 Passed (42%)	48 Failed (58%)	74	24 Passed (32%)	50 Failed (68%)

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To: Board Members

Date: January 27, 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 (most ASWs complete around 150 hours of supervision before qualifying for the licensing examinations and most IMFs complete around 400 hours of supervision before qualifying for the licensing examinations). 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 that agency 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 proposal 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 Committee considered this request at its January 2009 meeting and is recommending that there be no limit on the amount of supervision obtained by videoconferencing.

Their letter requesting increased hours of supervision is attached for your review. Also attached for your reference is the proposed language sponsored by the board in the 2008 legislation.

Committee Recommendation

The committee recommends that the board sponsor legislation that would allow all supervision in specified settings to be performed by live videoconference.

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**PROPOSED LANGUAGE
SUPERVISION VIA VIDEOCONFERENCING**

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

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

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

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

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

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

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

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

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

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

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

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

(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.

(5) Notwithstanding paragraph (3), an intern working for a governmental entity, school, college or university, or an institution both nonprofit and charitable may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor is responsible for ensuring that client confidentiality is preserved.

(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) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college or university, or an institution both nonprofit and charitable may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor is responsible for ensuring that client confidentiality is preserved.

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

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

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

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

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

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

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

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

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

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

(l) Associates shall not do the following:

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

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

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

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

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To: Board Members

Date: February 9, 2009

From: Tracy Rhine
Legislative Analyst
Board of Behavioral Sciences

Telephone: (916) 574-7847

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 Board 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 two provisions into BPC section 4992.3 that would do the following:
 - Clarify 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.
 - Incorporates regulatory provisions related to gross negligence.

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."

The Committee discussed the merits of incorporating the above regulatory language into statute and directed staff to offer two language options to the Board. The optional language before the Board today is as follows:

Option A: Incorporates regulatory language related to gross negligence as a separate provision under the unprofessional conduct statute. This option sets forth two distinct provisions - one related to incompetence and a second relating to gross negligence.

Option B: Incorporates regulatory language related to gross negligence into the existing statutory provision related to gross negligence and incompetence.

Committee Recommendation

At its January 16, 2009 meeting the Policy and Advocacy Committee made a recommendation to direct staff to initiate Board sponsored legislation pursuant to the attached changes.

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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.

OPTION A

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

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

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

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

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

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

~~(k)~~ (l) 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)~~ (m) 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)~~ (n) 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)~~ (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.

~~(o)~~ (p) 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)~~ (q) Advertising in a manner that is false, misleading, or deceptive.

~~(q)~~ (r) 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)~~ (s) 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)~~ (t) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

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

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

~~(w)~~ (x) Failure to comply with Section 2290.5.

~~(x)~~ (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.

OPTION B

(d) An act or omission which falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence or an act or omission which constitutes Gross negligence or incompetence in the performance of clinical social work. ~~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. 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.

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To: Policy and Advocacy Committee Members **Date:** February 9, 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 Board 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.

Committee Recommendation

The Committee recommended to the Board at its January 16, 2009 meeting 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.

(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 educational psychologists 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.

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400 R STREET, SUITE 3150, SACRAMENTO, CA 95814
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 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.~~

<p><u>BOARD OF BEHAVIORAL SCIENCES</u> <u>CONTINUING EDUCATION PROGRAM</u> <u>1625 NORTH MARKET BLVD. SUITE S200</u> <u>SACRAMENTO, CA 95834</u></p>
--

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)

<i>For Office Use Only:</i> Date Received _____ Date Approved _____ Denied _____ Date of Audit (if applicable) _____ Enforcement Approval <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____
--

Part 1 - To be completed by applicant/licensee

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

REASON FOR EXCEPTION: (Check one box only)

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

Part 2 – To be completed by attending physician/psychologist

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

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

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

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

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

Date

Date

Signature of Licensee

Signature of Physician/Psychologist

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:

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:~~

~~(1) (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.

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

To: Policy and Advocacy Committee Members **Date:** February 5, 2009
From: Tracy Rhine
Legislation Analyst **Telephone:** (916) 574-7847
Subject: Legislation Update

BOARD-SPONSORED LEGISLATION

SB 33 (Correa) MFT Educational Requirements

This bill will make 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.

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

To: Policy and Advocacy Committee Members **Date:** February 5, 2009
From: Tracy Rhine
Legislative Analyst **Telephone:** (916) 574-7847
Subject: Rulemaking Update

PENDING REGULATORY PROPOSALS

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. A public comment hearing is scheduled for February 18, 2009 and the proposal is scheduled for discussion and possible action at the February 26, 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. A public comment hearing is scheduled for February 18, 2009 and the proposal is scheduled for discussion and possible action at the February 26, 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.**

APPROVED REGULATORY PROPOSAL

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

This regulation will 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 approved by the Office of Administrative Law January 28, 2009 and will go into effect February 27, 2009.**

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To: Board Members

Date: February 10, 2009

From: Kim Madsen
Assistant Executive Officer

Telephone: (916) 574-7841

Subject: Examination Program Review Committee Update

The Examination Program Review Committee met on December 8, 2008, and February 2, 2009. During the first meeting, Committee Chair Elise Froistad outlined the purpose and structure of the committee. Ms. Froistad introduced Dr. Tracy Montez, of Applied Measurement Services LLC, who will assist the committee in its review of the examination program. Dr. Montez provided an overview of the exam development and validation process.

The February meeting focused on the first step in the exam development process. Dr. Montez gave a presentation on the Occupational Analysis. The Occupational Analysis surveys licensees in the field about the tasks performed in the occupation and the knowledge, skills, and abilities required to perform those tasks. Federal Uniform Guidelines for Employee Selection Procedures recommend that an Occupational Analysis should be conducted every 3 to 7 years. The Board historically has conducted Occupational Analysis every 5 years for each licensing classification.

Following the presentation the committee participated in group exercise in which they were required to develop a task and identify knowledge required for the task.

The next committee meeting is scheduled for March 23, 2009 at Hilton Irvine - Orange County Airport, 18800 MacArthur Blvd., Irvine, CA 92612.

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To: Board Members

Date: February 9, 2009

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Election of Officers

Section 4990 of the Business and Professions Code requires the board to elect a Chair and Vice-Chair prior to June 1 of each year. Currently, Ian Russ is the Board Chair and Joan Walmsley is the Vice-Chair. I consulted with the Chair regarding this year's elections and we determined that it would be advisable to hold elections (to be effective June 1, 2009) at this meeting because of the overall uncertainty of the budget situation and its impact on the board's ability to meet.

Accordingly, the Board should elect both a chair and a vice-chair at this meeting.

Below is a list of board members and the dates on which their terms expire.

Board Member	Type	Authority	Date Appointed	Term Expires	Grace Expires
Ian Russ - Chair	MFT	Governor	9/19/2005	6/1/2009	8/1/2009
Joan Walmsley - Vice Chair	LCSW	Governor	11/11/2005	6/1/2009	8/1/2009
Karen Roye	Public	Governor	9/7/2006	6/1/2009	8/1/2009
D'Karla Leach	Public	Governor	9/7/2006	6/1/2009	8/1/2009
Victor Perez	Public	Governor	11/3/2006	6/1/2010	8/1/2010
Renee Lonner	LCSW	Governor	1/17/2007	6/1/2010	8/1/2010
Elise Froistad	MFT	Governor	5/24/2007	6/1/2010	8/1/2010
Donna DiGiorgio	Public	Governor	7/11/2007	6/1/2011	8/1/2011
Rita Cameron-Wedding	Public	Senate	9/04/2007	6/1/2011	6/1/2012
Judy Johnson	LEP	Governor	7/15/2008	6/1/2012	8/1/2012
Vacant	Public	Assembly		6/1/2011	6/1/2008

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