



Board of Behavioral Sciences

1625 North Market Blvd. Suite S-200 Sacramento, CA 95834 (916) 574-7830 TDD (916) 322-1700 Fax (916) 574-8625 www.bbs.ca.gov

MEETING NOTICE

Licensing and Examination Committee

April 12, 2010

Department of Consumer Affairs El Dorado Room 1625 North Market Blvd. 2nd Floor North, Room 220 Sacramento, CA 95834

Via Teleconference 30622 Via Pared Thousand Palms, CA 92276

9:00 a.m.

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

- I. Pursuant to Government Code Section 11126(c)(1) Regarding Possible Development and Administration of a Licensing Examination on the Differences Between the Practice of Licensed Marriage and Family Therapists and Licensed Professional Clinical Counselors and the Practice of Licensed Clinical Social Workers and Licensed Professional Clinical Counselors.

9:30 a.m. to 12:00 p.m.

FULL BOARD OPEN SESSION

- I. Introductions
II. Current Status of Licensed Professional Clinical Counselor Gap Analysis Project Presented by Dr. Tracy Montez
III. Discussion and Possible Action Regarding Revising the Board's Examination Program
IV. Public Comment for Items Not on the Agenda

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 Marsha Gove at the Board of Behavioral Sciences, 1625 N. Market Boulevard, Suite S-200, Sacramento, CA 95834, or by phone at 916-574-7861, no later than one week prior to the meeting. If you have any questions, please contact the Board at (916) 574-7830.



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

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To: Licensing and Examination Committee

Date: April 7, 2010

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7847

Subject: Licensed Professional Clinical Counselor Gap Analysis Project

Senate Bill 788 (Wyland), Chapter 619, Statutes of 2009 created the Licensed Professional Clinical Counselor Act which requires the Board of Behavioral Sciences (Board) to license and regulate Licensed Professional Clinical Counselors (LPCCs). Beginning January 1, 2011 through June 30, 2011, individuals may apply to the Board for licensure as an LPCC and may be issued a license by meeting specified requirements (Business and Professions Code Section 4999.54). The licenses issued under this section have been referred to as "grandparented licenses." Licensure under this grandparenting section requires fewer supervised experience hours, fewer specific educational courses to meet application eligibility and other considerations, including, licensure eligibility for current marriage and family therapists (MFTs) and Licensed Clinical Social Workers (LCSWs) (that meet the education and experience requirements), without taking an examination.

Business and Professions Code Section 4999.54(b) states that the Board and the Office of Professional Examination Services shall develop an examination on the differences, if any differences exist, between the following:

1. The practice of professional clinical counseling and the practice of marriage and family therapy.
2. The practice of professional clinical counseling and the practice of clinical social work.

To this end, the Board has contracted with Applied Measurement Services, LLC (AMS) to perform the analysis necessary to determine if an additional exam is necessary for those MFTs and LCSWs applying for an LPCC license during the grandparenting period.

Attached is a letter from Dr. Tracy Montez of AMS on the progress of this project.

Applied Measurement Services, LLC

March 30, 2010

California Department of Consumer Affairs
Board of Behavioral Sciences
Attn: Kim Madsen, Executive Officer
1625 N. Market Blvd., Ste. S-200
Sacramento, CA 95834

Dear Mrs. Madsen:

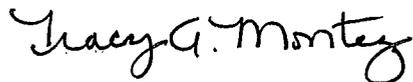
In response to your request, an update of the consulting services to assist with examination-related evaluations for the Licensed Professional Counselor (LPC) profession is being provided for the Board of Behavioral Sciences Examination Program Review Committee Meeting to be held April 12, 2010 in Sacramento, California.

Applied Measurement Services, LLC (AMS) began communications with the National Board for Certified Counselors (NBCC) in January, 2010. Specifically, AMS has been in contact with Shawn O'Brien, Vice President, Center for Credentialing and Education. Confidentiality parameters were established on March 16, 2010. AMS was then given access to various examination-related documents and reports, including the job analysis report for the NBCC Professional Counselor on March 22, 2010. AMS is in the process of critically reviewing these documents and reports and is expected to follow up with Mr. O'Brien. AMS will be submitting clarification questions to NBCC.

In addition to analyzing NBCC documents and reports, AMS is in the process of determining whether meaningful differences exist between the LPC and Marriage and Family Therapist (MFT) professions and the LPC and Licensed Clinical Social Worker (LCSW) professions by comparing the national LPC job analysis to the California MFT and LCSW occupational analyses. Specifically, a workshop with subject matter experts is scheduled for April 8 to evaluate the LCSW and LPC professions. And, a workshop with subject matter experts is scheduled for April 22 to evaluate the MFT and LPC professions. It should be noted that these workshops are being conducted according to the parameters established in the confidentiality agreement between NBCC and AMS.

Pending no delays in receiving timely responses from NBCC and no impediments to subject matter expert participation in the scheduled workshops, AMS plans to provide another progress report to the Board of Behavioral Sciences at the May 6-7, 2010 Board Meeting in Irvine, California. This progress report is expected to contain the results of the professions analysis which is the first phase of the contracted consulting services.

Sincerely,



Tracy A. Montez, Ph.D.
President

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To: Licensing and Examination Committee

Date: April 6, 2010

From: Sean O'Connor
Board of Behavioral Sciences

Telephone: (916) 574-7830

Subject: Potential Modifications to Proposed Examination Process Re-Structure

Background

At the January 23, 2010 Board meeting, Board members, staff, and the audience discussed the implementation of recommendations from the Examination Program Review Committee relating to restructuring the Board's examination process. The Committee recommended requiring Marriage and Family Therapist (MFT) Interns and Associate Clinical Social Workers (ASW) to complete and pass an examination on California law and ethics. The framework of this examination would consist of legal and ethical questions that a recent program graduate would be reasonably expected to know.

After passage of the law and ethics exam, the Committee recommended that, as a condition of licensure after reaching examination eligibility (i.e. completing all supervised experience and education requirements), applicants would complete and pass a new Standard Written Examination (New Standard). The framework of the New Standard would consist of practice-oriented and vignette questions with some law and ethics questions integrated as well.

Implementation Concerns

Upon discussion and analysis of potential outcomes in regards to implementation, staff has identified two key issues:

1. *Requirement to Pass the Law and Ethics Exam in the First Year of Registration* – The committee made passing of the new law and ethics exam mandatory in the first renewal period. Since this is mandatory, staff presumed someone who did not pass the examination would not be eligible for renewal. This could potentially create a mental health workforce issue.

Many employment settings require a current registration in order to see clients, including county, school, and non-profit settings. Because insurance reimbursement requirements require a client be seen by a registered or licensed individuals, this will force many registrants out of practice. The Board will likely face harsh criticism for disrupting continuity and access to care and eliminating the livelihood of mental health professionals from consumer and professional advocacy groups.

Furthermore, registrants cannot gain supervised work experience hours towards license requirements under an expired registration, so the ability to complete the licensing process in a timely manner would be affected should an individual be required to pass an examination before renewing a registration number.

2. *Integration of New Exam Structure with Individuals Currently in the Licensing and Examination Process* – The implementation of the Exam committee’s recommendations requires significant changes to the current exam structure. Upon implementation, BBS registrants and applicants will be at different stages of the process, and the BBS will need to ensure fair treatment for those caught “in-between” the new program and the old.

Proposed Solution

Staff has identified several potential modifications to the proposal to revise the Board’s examination process to address these issues. First, registrants will be *required* to take the law and ethics examination each year in order to renew their registration number until successful completion of the examination. If the registrant does not successfully complete the law and ethics examination before the end of his or her third year of registration, the registration number will automatically be cancelled. The individual will be required to prove completion of the law and ethics examination before the Board will issue another registration number to the individual.

Second, registrants who do not pass the law and ethics examination within the first year of registration will be required to complete an 18-hour law and ethics course in order to be eligible to take the examination in their second year of registration. This requirement would apply to the third year of registration as well if an individual cannot pass the law and ethics examination in the second year of registration. Like any pre-licensure educational requirement, the law and ethics course could be taken through a Board-approved continuing education provider; county, state, or governmental entity; or a college or university. For an example of how the proposed solution would affect new registrants after implementation, please see Scenario 1 of Attachment A.

The requirement to pass the law and ethics examination within a three-year period can also be applied to individuals currently registered with the Board. Please see Scenario 2 of Attachment A for an example.

For individuals who are currently in the examination process but not registered with the Board, after implementation of the proposed examination structure, the law and ethics examination would replace the current Standard Written Examination, and the New Standard would replace the current Clinical Vignette Examination. For examples, please refer to Scenarios 3 and 4 of Attachment A.

Recommendation

Conduct an open discussion on the proposed modifications to the Committee’s recommendation to require Board registrants to complete and pass an examination on California law and ethics and the New Standard Written Examination.

Attachment A – Sample Scenarios for Implementation of Proposed Examination Restructure

Attachment A - Sample Scenarios for Implementation of Proposed Examination Restructure

Scenario 1. New Registrants after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual is issued a registration number on 1/7/2012.

Year	2012	2013	2014	2015
Years Registered	0	1	2	3
Registrant Action	Individual is registered with the BBS on 1/7/2012.	Individual does not pass the examination by the expiration date of 1/31/2013.	Individual does not pass the examination by the expiration date of 1/31/2014.	Individual does not pass the examination by the expiration date of 1/31/2015.
Outcome	<p>The individual's initial registration is due to renew on 1/31/2013.</p> <p>The individual is also eligible to take the BBS Law and Ethics Exam.</p> <p>The individual must take the examination in each renewal period until passing to be eligible for renewal.</p> <p>If the individual does not pass the Law and Ethics Exam by 1/31/2013, he or she must complete a remedial 18-hour law and ethics course from a university, CE provider, or county, state, or governmental entity in order to take the exam in the next renewal cycle.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>Because the individual has not passed the Law and Ethics Exam by the end of his or her third year of registration, the registration is now automatically cancelled.</p> <p>Before issuance of a new registration number, this individual must pass the Law and Ethics Exam.</p>

Scenario 2. Current registrants after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual was issued a registration number on 1/7/2010.

Year	2012	2013	2014	2015
Years Registered	2	3	4	5
Registrant Action	Individual is due to renew registration number on 1/31/2012.	Individual does not pass the examination by the expiration date of 1/31/2013.	Individual does not pass the examination by the expiration date of 1/31/2014.	Individual does not pass the examination by the expiration date of 1/31/2015.
Outcome	<p>With the renewal notice for the 1/31/2012 expiration date, the individual receives notification of the new BBS Law and Ethics Exam.</p> <p>The individual is also automatically eligible to take the BBS Law and Ethics Exam.</p> <p>The individual must take the examination in each renewal period until passing to be eligible for renewal.</p> <p>If the individual does not pass the BBS Law and Ethics Exam by 1/31/2013, he or she must complete a remedial 18-hour law and ethics course from a university, CE provider, or county, state, or governmental entity in order to take the exam in the next renewal cycle.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>Because the individual has not passed the Law and Ethics Exam by the end of his or her third year of registration after the implementation of the new Law and Ethics exam, the registration is now automatically cancelled.</p> <p>Before applying for a new registration number, this individual must pass the Law and Ethics Exam.</p>

Scenario 3. Non-Registered Exam Candidates Who Have Yet to Pass the Old Standard Written Examination after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual took and failed the Old Standard Written Examination on 3/1/2011.

Year	2012	2013
Years Registered	N/A	N/A
Registrant Action	Individual must take an exam by 3/1/2012 to maintain examination eligibility. Individual does not take Old Standard by its sunset date of 12/31/2011.	Individual takes the BBS Law and Ethics Exam on 2/1/2012 and passes the examination.
Outcome	<p>Individual must take new Law and Ethics Exam by 3/1/2012 to maintain examination eligibility.</p> <p>The individual is automatically eligible to take the Law and Ethics Exam.</p> <p>If the individual does not take the Law and Ethics Exam by 3/1/2012, the examination eligibility will be abandoned.</p>	<p>The individual must now take the New Standard Written Examination by 2/1/2013. If he or she does not take the exam by this date, examination eligibility will be abandoned.</p> <p>From this point forward, current exam rules of taking the exam once a year to maintain eligibility apply.</p>

Scenario 4. Non-Registered Exam Candidates Who Have Passed the Old Standard Written Examination before Implementation of Proposed Structural Changes (Implementation 1/2012). Individual took and passed the Old Standard Written Examination on 12/1/2011.

Year	2012	2013
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Years Registered	N/A	N/A
Registrant Action	Individual passes Old Standard prior to the sunset date of 12/31/2011.	Individual takes the New Standard Written Exam on 2/1/2012 and fails the examination.
Outcome	<p>Individual must take New Standard Written Exam by 12/1/2012 to maintain examination eligibility.</p> <p>The individual is automatically eligible to take the New Standard Written Exam.</p> <p>If the individual does not take the New Standard Written Exam by 12/1/2012, the examination eligibility will be abandoned.</p>	<p>The individual must now re-take the New Standard Written Examination by 2/1/2013. If he or she does not take the exam by this date, examination eligibility will be abandoned.</p> <p>From this point forward, current exam rules of taking the exam once a year to maintain eligibility apply.</p>