



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

BOARD MEETING NOTICE

September 9, 2010

The Board of Behavioral Sciences will meet via teleconference beginning at 3:00 p.m. at the following locations:

Department of Consumer Affairs 3rd Floor, N 318 (San Francisco Rm) 1625 N. Market Blvd Sacramento, CA 95834

Alliant International University Scripps Ranch Campus MFT Program, Daley Hall 2nd Floor 10455 Pomerado Rd San Diego, CA 92131

Hotel Maya Fuego Restaurant 700 Queensway Drive Long Beach, CA 90802

Pioneer High School 10800 E Benavon Street Whittier, CA 90606

1151 Dove Street, #170 Newport Beach, CA 92660

415 Karla Court Novato, CA 94949

1104 Ridgefield Carson City, NV 89706

1615 E 17th Street Santa Ana, CA 92705

5506 Ranchito Avenue Sherman Oaks, CA 91401

3:00 p.m.

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

- I. Discussion and Possible Action Regarding Previous Board Action to Require California Licensed Marriage and Family Therapists and Licensed Clinical Social Workers to take a Gap Examination for Licensure as a Licensed Professional Clinical Counselor
II. Discussion and Possible Action Regarding the Licensed Professional Clinical Counselor Gap Examination
III. Public Comment for Items Not on the Agenda
IV. Suggestions for Future Agenda Items



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

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

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

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of 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.

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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www.bbs.ca.gov

To: Board Members

Date: August 30, 2010

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7847

Subject: **Licensed Professional Clinical Counselor Gap Examination Requirement;
Revisit Previous Action**

The Board, at its July 28, 2010 meeting, revisited the prior Board vote to *not* require an examination for marriage and family therapists (MFTs) and licensed clinical social workers (LCSWs) wishing to seek licensure as an Licensed Professional Clinical Counselor (LPCC) during the grandparenting period. Based on the information presented at that meeting, the Board voted to require a Gap Examination, reversing the May 7, 2010 Board meeting vote. Subsequent to the July Board meeting, the Board was informed by the California Association of Marriage and Family Therapists that it believed a violation of the Bagley Keene Open Meeting Act had occurred in discussing the Gap Examination item during closed session. In the interest of fostering improved public perception and relations with the Board, today's public meeting of the Board was scheduled for the purpose of discussing and possibly rescinding its July 28, 2010 action to require the Gap Examination. If the Board elects to rescind its previous action, the Board will discuss whether the Gap Examination is necessary, as if that issue was not previously considered by the Board.

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To: Board Members

Date: August 30, 2010

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7847

Subject: Licensed Professional Clinical Counselor Gap Examination

Background

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 (BPC) 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.

Previous Board Action to Not Require Gap Examination

On May 7, 2010, Dr. Tracy Montez, of AMS, presented a progress report on her analysis of the LCSW, MFT and LPCC professions. After review of the AMS report, member discussion and public comment, the Board voted to not adopt a separate examination for LCSWs and MFTs seeking licensure as an LPCC during the grandparenting period. This decision was based on findings reported by Dr. Montez which expressed that no significant or meaningful differences existed between the respective professions. The following recommendation was made by Dr. Montez:

“...based on the professions analysis conducted for this first phase of this contracted project, AMS recommends that the Board not adopt an examination requirement for the LCSWs and MFTs seeking to be grandparented as LPCCs as long as the education and training requirements are met and counselors adhere to their scopes of practice and competence as outlined in the Boards Statutes.”

Authority to Not Exam on Differences

In making their decision at the May 7, 2010 meeting, the Board considered the significance of the differences found to exist between the professions. Dr. Montez reported that “it appeared that many of the gaps in assessment or requirement for licensure can be mitigated by additional coursework, training, and certification. Thus allowing LCSWs and MFTs to practice within scope of competence complying with the requirements outlined in SB 788.” BPC Section 4999.54(b)(2) gives the Board the authority to determine if an examination on the differences in the professions is necessary. The BPC paragraph reads:

(2) If the board, in consultation with the Office of Professional Examination Services, determines that an examination is necessary pursuant to this subdivision, an applicant described in paragraphs (2) and (3) of subdivision (a) shall pass the examination as a condition of licensure.

However, subsequent to the May meeting the Board received a letter from the American Association for Marriage and Family Therapy, California Division (AAMFT), requesting that the Board revisit the need for a “gap” examination. AAMFT argues that BPC Section 4999.54(b), read in whole, requires the Board to develop an examination on any differences that may exist between the professions and does not allow the Board to make an exception to the examination requirement based on the perceived significance of the differences.

Business and Professions Code Section 4999.54(b) states [emphasis added]:

(b) (1) The board and the Office of Professional Examination Services shall jointly develop an examination on the differences, if any differences exist, between the following:

(A) The practice of professional clinical counseling and the practice of marriage and family therapy.

(B) The practice of professional clinical counseling and the practice of clinical social work.

(2) If the board, in consultation with the Office of Professional Examination Services, determines that an examination is necessary pursuant to this subdivision, an applicant described in paragraphs (2) and (3) of subdivision (a) shall pass the examination as a condition of licensure.

(c) Nothing in this section shall be construed to expand or constrict the scope of practice of professional clinical counseling, as defined in Section 4999.20.

Subsequent Board Action to Require Gap Examination

The Board, at its July 28, 2010 meeting, revisited the prior Board vote to *not* require an examination for MFTs and LCSWs wishing to seek licensure as an LPCC during the grandparenting period. Based on the information presented at that meeting, the Board voted to require a Gap Examination, reversing the May 7, 2010 Board meeting vote. Subsequent to the July Board meeting, the Board was informed by the California Association of Marriage and Family Therapists that it believed a violation of the Bagley Keene Open Meeting Act had occurred in discussing the Gap Examination item during closed session. In the interest of fostering improved public perception and relations with the Board, today's public meeting of the Board was scheduled for the purpose of discussing and possibly rescinding its July 28, 2010 action to require the Gap Examination. If the Board elects to rescind its previous action, the Board will discuss whether the Gap Examination is necessary, as if that issue was not previously considered by the Board.

Attachments

- A. Letter, Pillsbury Withrop Shaw Pitman, LLP, August 23, 2010
- B. Letter, AAMFT, May 10, 2010
- C. Analysis, Public Progress Report, AMS



RECEIVED

AUG 24 2010

Pillsbury Winthrop Shaw Pittman LLP

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BOARD OF BEHAVIORAL SCIENCES

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VIA FEDERAL EXPRESS

August 23, 2010

Ms. Kim Madsen, Executive Officer
Board of Behavioral Sciences
1625 North Market Blvd., Suite S-200
Sacramento, CA 95834

Re: Request to Cure and Correct Violation of the Bagley-Keene Open Meeting Act

Dear Ms. Madsen:

This firm represents the California Association of Marriage and Family Therapists ("CAMFT"). CAMFT respectfully requests that you cure and correct a violation of the Bagley-Keene Open Meeting Act ("Act") that occurred on July 28, 2010 when the Board of Behavioral Sciences ("Board") improperly and unlawfully met in closed session to discuss whether a Licensed Professional Clinical Counselor Gap Examination ("Gap Examination") should be required.

The Act requires that all discussions or deliberations by the Board occur in open session, except as expressly authorized by the Act. *See* Cal. Gov't Code §§ 11123, 11122.5, 11132. The closed session of July 28th to discuss whether a Gap Examination should be required was not expressly authorized by the Act. The Act permits meetings in closed sessions to "prepare, approve, grade or administer examinations." *Id.* § 11126(c)(1). This exception exists, quite logically, so that the actual *content* of an examination is not publicly available before the examination is offered. The closed meeting on July 28th clearly was not related to examination content or to the preparation, approval, grading or administration of an examination, nor could it have been. The Board had unanimously decided at its May 7, 2010 meeting that a Gap Examination would not be offered. Thus, no examination in either draft or final form could have existed to prepare, approve, grade or administer on July 28th.



Ms. Kim Madsen, Executive Officer

August 23, 2010

Page 2

The unauthorized closed session rendered the Board's decision to require a Gap Examination null and void. *See* Cal. Gov't Code §§ 11123, 11130.3. CAMFT urges the Board to acknowledge the defect in its procedures and the resulting effect thereof. Once it has recognized the nullity of its July 28th action, the Board can return to a point prior to the violation of the Act (*i.e.*, prior to the July 28th closed session) and proceed in accordance with the Act's open meeting requirements should it desire to reconsider the issue of a Gap Examination. This procedure would be consistent with advice that the various boards within the Department of Consumer Affairs have for many years received from the Office of the Attorney General. *See* Cal. Atty. Gen.'s Office, A Handy Guide to The Bagley-Keene Open Meeting Act 2004, at 14 ("If possible, the body should try to return to the point prior to when the violation occurred and then proceed properly.")

CAMFT desires to avoid litigation, and hopes that the Board will take curative and corrective action at the earliest time possible. Should the Board fail to acknowledge that its reconsideration of the Gap examination in closed session violated the Act and that its vote taken on July 28th is without force or effect, CAMFT will seek a judicial determination that the Board's July 28th action regarding this issue is null and void. Cal. Gov't Code § 11130.3. In that event, CAMFT will seek to recover court costs and attorneys fees pursuant to Government Code section 11130.5.

Thank you for your thoughtful consideration of this matter. We look forward to hearing from you at your earliest convenience. Should we not receive a favorable response from the Board by September 15, 2010, CAMFT will look to the courts for redress as noted above.

Very truly yours,

Richard M. Segal

Cc: Renee Lonner, Chair, Board of Behavioral Sciences



AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY
CALIFORNIA DIVISION

May 10, 2010

Kim Madsen
Executive Officer
Board of Behavioral Sciences
1625 N. Market Blvd., Suite S 200
Sacramento, CA. 95834

Dear Ms. Madsen,

On behalf of the American Association for Marriage and Family Therapy, California Division, we are writing to express deep concern that the Board of Behavioral Sciences acted counter to state law by voting on May 7 that Licensed Clinical Social Workers and Marriage and Family Therapists seeking to become Licensed Professional Clinical Counselors through the grandparenting process will not be required to pass an examination.

The exam consultant hired by the Board, Tracy Montez, returned a finding that there are identifiable differences between the MFT, LCSW, and LPCC professions. She reiterated that point in her presentation to the Board on May 7, noting that clear differences between the professions exist. In her report, she went on to note a belief that these gaps "can be addressed through coursework, training, and certification". The Board chose to accept her recommendation that an exam not be required for currently licensed MFTs and LCSWs seeking to grandparent into LPCC licensure.

However, if the Board accepts Ms. Montez's finding that clear differences between the professions exist -- a point with which no one at the Board meeting voiced disagreement -- allowing licensees to address these differences without an exam is **not an option available to the Board**. On this point, SB788 (chaptered as BPC Ch 16) is abundantly clear (emphasis added):

4999.54(b) (1) The board and the Office of Professional Examination Services shall jointly develop an examination on the differences, if any differences exist, between the following:

- (A) The practice of professional clinical counseling and the practice of marriage and family therapy.
- (B) The practice of professional clinical counseling and the practice of clinical social work.

Note that this section does not give the BBS authority to determine whether differences between the professions are considered numerous or significant enough to warrant examination. It also does not give the BBS authority to address differences between professions through any means other than examination. The language is clear: "if any differences exist" between the professions, an examination for LPCC licensure through grandparenting **must** be developed.

This is supported by additional language occurring earlier in the chapter:

4999.11. In enacting this chapter, the Legislature recognizes that licensed professional clinical counselors practice a separate and distinct profession from the professions practiced by licensed marriage and family therapists and licensed clinical social workers. As such, the Legislature recognizes the need to appropriately test licensed marriage and family therapists and licensed clinical social workers seeking to become licensed professional clinical counselors on the difference in practice between the professions.

This section similarly does not allow an exception based on the perceived number or significance of such differences -- **existing differences must be tested.**

Ms. Montez found and reported on differences between the professions, and the Board accepted her report without disputing these findings. Based on the above noted sections of law, we believe the Board vote against grandparenting exams was in error and must be revisited.

We respectfully request an opportunity to meet with you as expeditiously as possible, as the timeframe for development of the exam mandated by state law is quickly narrowing. Please feel free to contact me if you have any questions.

Sincerely,

Olivia Loewy

Olivia Loewy, Ph.D.

Executive Director

American Association for Marriage and Family Therapy, California Division

Ben Caldwell

Benjamin Caldwell, Psy.D.

Central Liaison

American Association for Marriage and Family Therapy

c.c. Renee Lonner, Chair, Board of Behavioral Sciences

Applied Measurement Services, LLC

April 29, 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 Ms. Madsen:

The purpose of this letter is to notify the Board of Behavioral Sciences (BBS) that Applied Measurement Services, LLC (AMS) has completed the first phase of the contract to assist with examination-related evaluations for the Licensed Professional Counselor / Licensed Professional Clinical Counselor.

Attached is a public progress report presenting the results of the professions analysis and associated recommendation. These results and the associated recommendation will be discussed at the May 7, 2010 BBS board meeting in Irvine.

Based on the professions analysis, AMS recommends that the BBS *not* adopt a separate examination requirement for Licensed Clinical Social Workers and Marriage and Family Therapists seeking to be grandparented as Licensed Professional Clinical Counselors. This recommendation is based on applicants meeting the education and training requirements and that the counselors adhere to their respective scopes of practice and competence as outlined in the BBS Statutes and Regulations.

Sincerely,



Tracy A. Montez, Ph.D.
President

An Analysis of the
Licensed Clinical Social Worker,
Marriage and Family Therapist and
Licensed Professional Counselor
Professions

Performed for the
California Department of Consumer Affairs
Board of Behavioral Sciences

Performed by Applied Measurement Services, LLC

April 29, 2010

PUBLIC PROGRESS REPORT

Chapter 1: Introduction

Licensing boards and bureaus within the Department of Consumer Affairs are required to ensure that examination programs used in the California licensure process are in compliance with psychometric guidelines and legal standards. The public must be reasonably confident that an individual passing a licensing examination has the requisite knowledge and skills to competently and safely practice in the respective profession.

In January 2010, the Department of Consumer Affairs Board of Behavioral Sciences (hereafter referred to as "Board") contracted with Applied Measurement Services, LLC (AMS) to assist with examination-related evaluations for the Licensed Professional Counselor (LPC). The first phase, a professions analysis, concluded April 29, 2010.

Specifically, AMS provided the following services: (a) determined whether significant differences exist between the LPC and Licensed Clinical Social Worker (LCSW) professions by comparing the national LPC occupational analysis to the California LCSW occupational analysis; (b) determined whether significant differences exist between the LPC and Marriage and Family Therapist (MFT) professions by comparing the national LPC occupational analysis to the California MFT occupational analysis; (c) prepared for and conducted interviews to obtain input related to the differences between the LPC and LCSW professions and the LPC and MFT professions; (d) prepared a confidential report providing the results of the analyses, feedback received from the interviews, and recommendations; and, (e) met with Board management to present the results and recommendations associated with grandparenting LCSWs and MFTs into the LPC profession.

The results of the professions analysis and associated recommendations will be presented at the May 7, 2010 Board meeting. This progress report provides those results.

During the first phase, AMS worked primarily with Kim Madsen, Executive Officer and Tracy Rhine, Assistant Executive Officer from the Board. AMS received and reviewed reports and reference materials provided by Shawn O'Brien, Vice President, Center for Credentialing and Education, National Board for Certified Counselors (NBCC). AMS also downloaded materials from relevant websites (see the Reference section of the *final* report for a complete listing).

Finally, these services were conducted according to professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (Standards)*¹ and *Business and Professions Code section 139* (see the *Examination Validation Policy*)².

¹ American Educational Research Association, American Psychological Association, & National Council on Measurement in Education. (1999). *Standards for Educational and Psychological Testing*. Washington, DC: American Educational Research Association.

² California Department of Consumer Affairs. (2004). *Examination Validation Policy*. Sacramento, CA: California Department of Consumer Affairs.

Chapter 2: Information-Gathering

After discussions with Board management to confirm expectations associated with the scope of services and identify contacts from the NBCC, AMS began the process of gathering information about the LCSW, MFT and LPC professions for comparison purposes.

For the first phase of the contracted project, AMS reviewed several pertinent documents and reports including, for example, the following:

- Statutes and Regulations relating to the Practice of Professional Clinical Counseling, Marriage and Family Therapy, Educational Psychology, Clinical Social Work (Statutes);
- LCSW examination plan (see Appendix A for an abbreviated version);
- MFT examination plan (see Appendix B for an abbreviated version);
- National Counselor Examination (NCE) content outline (see Appendix C for a public version);
- National Clinical Mental Health Counseling Examination (NCMHCE) content outline;
- NBCC documents and reports;
- Coursework syllabi from California Masters of Social Work programs;
- A Competency-Based Curriculum in Community Mental Health for Graduate Social Work Students report from the California Social Work Education Center (CalSWEC);
- California Council of Community Mental Health Agencies: Recommendations to the California Board of Behavioral Sciences Regarding Marriage and Family Therapy Curriculum; and,
- DACUM Competency Profile for MFT produced by the California Community College Economic and Workforce Development Program Health Initiative.

Next, interviews and meetings were conducted to discuss the history associated with the passage of Senate Bill 788 (Wyland, Chapter 619, Statutes 2009) and the similarities and differences among the three professions. Participants in the interviews and meetings included individuals involved in the regulatory process associated with SB788 and subject matter expert LCSWs, MFTs, and LPCs (i.e., licensed in states other than California such as Florida, Texas, and Virginia).

The goal of the information-gathering process was twofold. First was to determine whether significant differences exist between the LPC and LCSW professions, and whether significant differences exist between the LPC and MFT professions. And second, to determine if an examination was needed to assess those differences prior to being grandparented into the LPC profession. It is important to note that the term “significant” was not intended to imply statistical significance, but merely a qualitative or descriptive term.

Below is a summary of the three professions as defined in the Board’s Statutes.

Chapter 3: Licensed Clinical Social Worker

According to Business and Professions Code of California, Chapter 14. Social Workers, Article 4. Licensure, Section 4996.9.,

... the practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying, and productive social adjustments.

Further,

the application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services; or doing research related to social work.

As of April 1, 2010, there were 18,004 valid LCSW licensees. To qualify for a license to practice as a LCSW in California, the Board has three primary competency hurdles: education requirements, experience requirements, and examinations.

Education requirements include possessing a qualifying Master's degree as well as completion of additional coursework in key subject matter areas (e.g., child abuse assessment and reporting, substance abuse and dependency, and aging and long term care).

In addition to degree and coursework requirements, an applicant is also required to accrue 104 weeks of supervision and 3,200 hours of supervised work experience. The experience must be gained under the supervision of a licensed mental health professional.

Once an applicant meets all requirements and the Board approves the application for examination eligibility, the applicant receives an eligibility notice to take the LCSW Standard Written Examination. Upon passing the Standard Written Examination, the applicant must pass a LCSW Clinical Vignette Examination. Once an applicant passes both examinations, he or she must apply for an Initial License Issuance within one year of passing both examinations in order to receive a license number.

Business and Professions Code, Sections 4996.2. and 4996.23. of the Board's Statutes define LCSW qualifications in greater detail.

Chapter 4: Marriage and Family Therapist

According to Business and Professions Code of California, Chapter 13. Marriage and Family Therapists, Article 1. Regulation, Section 4980.02,

. . . the practice of marriage and family therapy shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and pre-marriage counseling.

Further,

the application of marriage and family therapy principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships, and the use, application, and integration of the coursework and training required by Sections 4980.37 4980.40, and 4980.41.

As of April 1, 2010, there were 30,497 valid MFT licensees. To qualify for a license to practice as a MFT in California, the Board has three primary competency hurdles: education requirements, experience requirements, and examinations.

Education requirements include possessing a qualifying Master's or Doctor's degree, as well as completion of additional coursework in key subject matter areas (e.g., child abuse assessment and reporting, alcohol and chemical dependency, and aging and long term care).

In addition to degree and coursework requirements, an applicant is also required to accrue 104 weeks of supervision and 3,000 hours of supervised work experience. The experience must be gained under the supervision of a licensed mental health professional.

Once an applicant meets all requirements and the Board approves the application for examination eligibility, the applicant receives an eligibility notice to take the MFT Standard Written Examination. Upon passing the Standard Written Examination, the applicant must pass a MFT Clinical Vignette Examination. Once an applicant passes both examinations, he or she must apply for an Initial License Issuance within one year of passing both examinations in order to receive a license number.

Business and Professions Code, Sections 4980.40 of the Board's Statutes define MFT qualifications in greater detail.

Chapter 5: Licensed Professional Clinical Counselor

According to Business and Professions Code of California, Chapter 16. Licensed Professional Clinical Counselors, Article 1. Administration, Section 4999.20.,

... Professional clinical counseling” means the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems. “Professional clinical counseling” includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed rational decisions.

Further,

Professional clinical counseling” is focused exclusively on the application of counseling interventions and psychotherapeutic techniques for the purposes of improving mental health, and is not intended to capture other, nonclinical forms of counseling for the purposes of licensure. For the purposes of this paragraph, “nonclinical” means nonmental health.

To qualify for registration and examination eligibility as a LPCC in California beginning after August 1, 2012 or completed after December 31, 2018, the Board has three primary competency hurdles: education requirements, experience requirements, and examinations.

Education requirements include possessing a qualifying Master’s or Doctoral degree, as well as completion of additional coursework in key subject matter areas (e.g., child abuse assessment and reporting, alcohol and chemical dependency, and aging and long term care).

In addition to degree and coursework requirements, an applicant is also required to accrue 104 weeks of supervision and 3,000 hours of supervised work experience. The experience must be gained under the supervision of a licensed mental health professional.

Once an applicant meets all requirements and the Board approves the application for examination eligibility, the applicant will be eligible to take the examination designated by the Board pursuant to Section 4999.52.

Business and Professions Code, Article 3: Licensure of the Board’s Statutes define LPCC qualifications in greater detail.

Chapter 6: Confidential Recommendations³

Based on the review and evaluation of relevant documents and reports, including information obtained from interviews and meetings, the professions analysis does show that each profession has its own distinct scope of practice, theoretical foundations, and philosophy. In addition, differences in education, training, and examination requirements associated with licensure were noted.

For example, the NCE content outline (i.e., examination) assesses the following competencies that are *not fully* measured in the LCSW examination plan (i.e., examination):

- Diagnostic and assessment services (Content Area III).
- Professional practice activities (Content Area IV).

Similarly, the NCE content outline (i.e., examination) assesses the following competencies that are *not fully* measured in the MFT examination plan (i.e., examination):

- Diagnostic and assessment services (Content Area III).
- Professional practice activities (Content Area IV).
- Professional development, supervision, and consultation activities (Content Area V).

It is important to note, however, that the NCE examination is considered a certification examination; whereas the Board examinations are for licensure purposes only. Typically, certification examinations are broader in content and assess a full spectrum of competencies associated with a profession. In this case, passage of the NCE means that an individual counselor has met national standards established by the counseling profession.

Licensing examinations, on the other hand, typically assess a more narrow range of competencies associated with public safety and competent practice. The intent of the licensing examination is to assess those critical competencies associated with entry-level performance as a practitioner and ensure that the depth of measurement of those competencies is reliable and valid. Therefore, state licensing examinations usually do not assess competencies associated with professional development and supervision. In the Board examinations, the concept underlying many of these competencies is measured under ethics or law content areas. For example, Task 164 "Implement therapeutic techniques to provide services within scope of practice" from the LCSW examination plan implies that practitioners recognize limits on scope and competence. Similarly, Task 85 "Manage clinical issues outside the therapist's scope of competence to meet client needs" demonstrates the recognition of professional boundaries.

³ In response to NBCC confidentiality parameters, additional examination content material will be discussed during closed session.

Based on the types of examination, it was expected that the scope of measurement across the professions would differ. Also, interviews with LPCs confirm that states have differing scopes of practice. Although the NCE assesses a broad range of competencies, many states consider certain competencies to be specialties thus requiring additional training and certification.

It appears that many of the “gaps” in assessment or requirement for licensure can be mitigated by additional coursework, training, and certification. Thus, allowing LCSWs and MFTs to practice within scope of *competence* complying with the requirements outlined in SB788. In fact, the Statutes specifically discuss scope and competence.

LCSW 4992.3. Unprofessional conduct includes, but is not limited to, the following: (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.

MFT 4982. Unprofessional conduct includes, but is not limited to, the following: (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.

LPCC 4999.90. Unprofessional conduct includes, but is not limited to, the following: (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.

Finally, LCSWs and MFTs seeking to be grandparented into the Licensed Professional Clinical Counselor (LPCC) profession must demonstrate completion of coursework beyond the minimum requirements for their respective license. These individuals seeking to become LPCCs have a six-month period to apply for licensure (January 1, 2011 to June 30, 2011), with one year from application date to meet the educational requirements and qualify under the grandparenting provision of SB788.

Therefore, based on the professions analysis conducted for this first phase of this contracted project, AMS recommends that the Board *not* adopt an examination requirement for the LCSWs and MFTs seeking to be grandparented as LPCCs as long as the education and training requirements are met and counselors adhere to their scopes of practice and competence as outlined in the Board Statutes.

Chapter 7: Next Steps

The second phase of the contract, assisting the Board with examination-related evaluations for LPC/LPCC, continues through June 30, 2011.

The next phase includes a more in-depth review of the NBCC NCE and the NCMHCE, including the underlying occupational analyses and examination development activities used to support the validity of the examinations.

Specifically, AMS will provide the following services: (a) review the NCE and NCMHCE examinations to determine whether they meet the prevailing standards for the validation and use of licensing and certification tests in California, and their suitability for use as a licensure requirement for LPCCs in California; (b) review the occupational analyses that were used for developing the national examinations to determine whether they adequately describe the licensing group (California LPCCs) and adequately determine the tasks, knowledge, skills and abilities that LPCCs need to perform the functions within their scope of practice in California; (c) prepare a confidential report that details the results of the review and provides recommendations; (d) meet with Board management and OPES to present results and recommendations; and, (e) present recommendations to Board members.

By completing the contracted work, AMS will meet the following objectives and goals:

- Determine whether there are meaningful differences between the LPC and LCSW professions and if so, what those differences are.
- Determine whether there are meaningful differences between the LPC and MFT professions and if so, what those differences are.
- Determine whether an examination will be necessary for MFTs or LCSWs who apply for a LPCC license during the grandparenting period
- Determine whether the national examinations meet the prevailing standards for the validation and use of licensing tests in California and their suitability for use in California.
- Determine whether the national occupational analyses adequately determine the tasks knowledge, skills and abilities that LPCCs need to perform the functions within their scope of practice in California.
- Determine whether the Board can use the national examinations or will need to work with OPES to develop a California LPCC examination.

References⁴

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⁴ This is a partial list of reference material. The complete list of references will be provided in the final report.

Appendix A: Licensed Clinical Social Worker Examination Outline⁵

Content Area	Number of Tasks in Content Area	Number of Tasks in Content Subarea	Area Weight (%)	Subarea Weight (%)
I. Biopsychosocial Assessment	55		23	
A. Assessing for Risk		9		5
B. Assessment of Client Readiness and Appropriateness of Treatment		3		1
C. In-depth Assessment				
1. Comprehensive Exploration of Symptoms				
a. psychological factors		11		4
b. cultural/personal factors		5		2
2. Comprehensive Evaluation of Problem				
a. social-environmental history		7		3
b. medical and developmental history		7		3
c. history of substance abuse/abuse		3		1
3. Comprehensive Evaluation of Inter- and Intrapersonal Resources		10		4
II. Diagnostic Formulation	13		6	
III. Treatment Plan Development	26		11	
A. Identify/Prioritize Objectives, Goals and Methods of Treatment		12		5
B. Integrate/Coordinate Concurrent Treatment Modalities and Adjunctive Resources		6		3
C. Monitoring, Evaluation and Revision		8		3
IV. Resource Coordination	22		9	
A. Service Identification and Coordination		10		4
B. Client Advocacy and Support		12		5
V. Therapeutic Interventions	106		40	
A. Crisis Intervention		7		3
B. Short-term Therapy		9		4
C. Therapy for Children and Adolescents		22		8
D. Therapy for Adults (Individual and Group)		24		9
E. Therapy for Couples		17		5
F. Therapy for Families		16		6
G. Managing the Therapeutic Process		11		5
VI. Legal Mandates and Obligations	11		5	
A. Protective Issues/Mandated Reporting		5		2
B. Professional Conduct		6		3
VII. Ethical Standards	14		6	
Total	247	-	100	-

⁵ This is the current LCSW examination plan. The updated examination plan will be presented in the LCSW validation report which is in press.

Appendix B: Marriage and Family Therapist Examination Outline

Content area	Number of Tasks in Content Area	Number of Tasks in Content Subarea	Number of Tasks in Content Sub-section	Area Weight (%)	Subarea Weight (%)	Sub-section Weight (%)
I. Clinical Evaluation	22			22		
A. Initial Assessment		6			7	
B. Additional Assessment		7			7	
C. Referrals		3			3	
D. Diagnosis		6			5	
II. Crisis Management	15			14		
A. Assessment		3			3	
B. Evaluation		5			5	
C. Management		7			6	
III. Treatment Planning	18			14		
A. Goals		3			3	
B. Clinical Factors		7			6	
C. Theoretical Orientation		8			5	
IV. Treatment	21			17		
A. Therapeutic Relationships		5			5	
B. Interventions		16			12	
1. Theory			8			5
2. Clinical Factors			4			4
3. Termination			4			3
V. Ethics	16			16		
A. Informed Consent		5			5	
B. Therapeutic Boundaries		4			5	
C. Management of Ethical Issues		7			6	
VI. Law	17			17		
A. Confidentiality and Privilege		7			7	
B. Exception		3			2	
C. Professional Conduct		7			8	
TOTAL	109			100		

Appendix C: National Counselor Examination (public version)

I. Fundamental Counseling Issues

This section encompasses counseling tasks related to the professional counselor's theoretical and applied knowledge to address the client's multifaceted issues.

II. Counseling Process

This section addresses tasks necessary for structuring, directing and facilitating counseling sessions as well as treatment interventions.

III. Diagnostic and Assessment Services

This section addresses the professional counselor's application of responsible and effective diagnostic and assessment procedures.

IV. Professional Practice

This section encompasses professional counseling activities typically undertaken as adjuncts to direct client service. Tasks in this section also include behaviors associated with the application of skills characteristic of the in-session counseling process.

V. Professional Development, Supervision, and Consultation

This section covers tasks related to the development and maintenance of counselor identity, competence, and professional collaboration.