



Board of
Behavioral
Sciences

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BOARD MEETING NOTICE
February 29 – March 1, 2012

Department of Consumer Affairs
Hearing Room
2005 Evergreen St., #1150
Sacramento, CA 95815

Wednesday, February 29th
8:00 a.m.

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

- I. Introductions
- II. Petition for Modification of Probation, Joel Fishman, MFC 7650
- III. Petition for Early Termination of Probation, Benton Dorman, LEP 2489

BOARD CLOSED SESSION

- IV. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action Regarding Disciplinary Action

FULL BOARD OPEN SESSION

- V. Approval of the November 9-10, 2011 Board Meeting Minutes
- VI. Presentation by Board Counsel on Ethical Decision Making
- VII. Executive Officer's Report
 - a. Budget Report
 - b. Operations Report
 - c. Personnel Update
 - d. Licensed Professional Clinical Counselor Update
 - e. Association of Social Work Boards National Examination Update
- VIII. Continuing Education Committee Report
- IX. Discussion Regarding California Marriage and Family Therapy Occupational Analysis and Collaboration with the Association of Marital and Family Therapy Regulatory Boards



Governor
Edmund G. Brown Jr.
State of California
State and Consumer
Services Agency
Department of
Consumer Affairs

- X. Policy and Advocacy Committee Report
 - a. Discussion and Possible Regulatory Action to Make Conforming Changes to California Code of regulations Title 16, Section 1833 Related to Telehealth
 - b. Discussion and Possible Action Regarding Legislative Clean-up to Business and Professions Code Sections 4980.44, 4980.48, 4980.78, 4980.80, 4999.62 and 4999.76
 - c. Discussion and Possible Action to Amend Business and Professions Code Sections Related to Accepting Passing Scores from National Examination Vendors
 - d. Discussion and Possible Action Regarding Uniformity of Experience and Supervisions Provisions of LMFT, LPCC, LEP and LCSW licensing law
 - e. Legislative Update
 - f. Rulemaking Update
- XI. Discussion and Possible Action Regarding Gaining Post-Degree Experience Prior to Registration with the Board
- XII. Suggestions for Future Agenda Items
- XIII. Public Comment for Items Not on the Agenda
- XIV. Adjournment

Thursday, March 1st
9:00 a.m.

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

FULL BOARD CLOSED SESSION

- XV. Pursuant to Section 11126(a) of the Government Code, the Board Will Meet in Closed Session to Evaluate the Performance of the Board's Executive Officer

FULL BOARD OPEN SESSION

- XVI. Suggestions for Future Agenda Items
- XVII. Public Comment for Items Not on the Agenda
- XVIII. Adjournment

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 is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

BOARD MEETING MINUTES - DRAFT November 9-10, 2011

Department of Consumer Affairs
1625 North Market Blvd.
First Floor Hearing Room
Sacramento, CA 95834

Wednesday, November 9th

Members Present

Christine Wietlisbach, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Samara Ashley, Public Member
Harry Douglas, Public Member
Judy Johnson, LEP Member
Sarita Kohli, LMFT Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
Rosanne Helms, Legislative Analyst
Marina Karzag, Policy & Statistical Analyst
Christina Kitamura, Administrative Analyst
Michael Santiago, Legal Counsel

Members Absent

Guest List

On file

FULL BOARD OPEN SESSION

I. Introductions

Christine Wietlisbach, Board of Behavioral Sciences' (Board) Chair, opened the meeting at 8:15 a.m. The Board members, Board staff and meeting attendees introduced themselves. Christina Kitamura called roll. A quorum was established.

II. Approval of the August 17-18, 2011 Board Meeting Minutes

Amendments to the minutes:

- Page 5, correct "20011" and "1011" to 2011.
- Page 7, agenda item XIV., correct the committee name from Licensing and Examination Committee to Compliance and Enforcement Committee.
- Page 15, agenda item XV. e., correct "moved direct staff" to "moved to direct staff."
- Page 16, agenda item XVI., correct "those amendments do not the discussion at the BBS level" to "those amendments do not affect the discussion at the BBS level."

Judy Johnson moved to approve the August 17-18, 2011 Board meeting minutes as amended. Renee Lonner seconded. The Board voted unanimously (7-0) to pass the motion.

Patricia Lock-Dawson joined the meeting.

III. Approval of the March 24, 2011 Licensing and Examination Committee Meeting Minutes

Amendments to the minutes:

- Page 1, Members Present and agenda item II, correct “Christina Wietlisbach” to “Christine Wietlisbach.”

Renee Lonner moved to approve the March 24, 2011 Licensing and Examination Committee meeting minutes as amended. Sarita Kohli seconded. The Board voted unanimously (8-0) to pass the motion.

IV. Executive Officer’s Report

a. Budget Report

Kim Madsen reported on the Board’s budget. She explained where the Board is a special fund agency, which means it is supported through the fees generated from renewals and applications. The Board does not receive any tax dollars from the general fund.

Although categorized as a special fund agency, the Board’s budget is incorporated into the Governor’s annual budget. Once the Governor’s budget is approved, the Board is then authorized to spend its funds. Any increase to the Board’s budget is sought through the Budget Change Proposal (BCP) process. The BCP process is a proposal to change the level of service or funding sources for activities authorized by the Legislature, or to propose new program activities not currently authorized. BCPs are typically proposed on an annual basis.

The Board’s overall budget has increased over 34% over the last four years. Specifically, the budget has increased from nearly \$6 million in the 2007/2008 fiscal year to nearly \$8 million in the 2011/2012 fiscal year.

The Board’s budget consists of both non-discretionary and discretionary funds. On average, 66% of the Board’s expenditures are non-discretionary and 34% are discretionary. Non-discretionary funds make up what is known as Personal Services, such as staff salaries benefits, departmental pro rata, and interagency services. Discretionary funds make up what is known as Operating Expenses and Equipment (OE&E) and include items such as overtime, travel, training, and general expenses.

The Board has seen approximately a 23% growth in its expenditures over the last four years; staffing as increased and revenue has also increased.

In response to California’s budget shortfalls, loans from special fund agencies to the General Fund have been part of the solution. Since 2002/2003, the Board has loaned the General Fund (GF) \$12.3 million.

The Board’s 2011/2012 budget is \$7,779,000. Expenditures as of September 30, 2011, total \$1,280,847. Revenues as of September 30, 2011, are over \$2 million.

In mid November the Legislative Analyst's Office will release its midyear fiscal outlook report. This report will provide an analysis of the state budget's current revenues and expenditures. In the event the report indicates that revenues will fall short of budget expectations, it is likely that additional cuts (triggers) contained in the budget act will occur. The first trigger will occur if revenues are forecasted to be \$1 billion below the budget level. This trigger includes reduction in funding to programs such as the University of California and California State University budget, In-Home Supportive Services, community colleges, and developmental services. The second trigger would occur if revenues are forecasted to be \$2 billion below the budget level. Some of the reductions in this second trigger include reductions to the public school system and community colleges.

The Fund Condition and the Revenue Analysis were provided. Currently, the Board has about 1.7 months in reserve. This reflects the \$3.3 million loan to the General Fund.

Dr. Johnson acknowledged the shortage of staff and the current backlog issue, and asked if overtime would be considered since it appears there is an overtime allotment. Ms. Madsen stated that in response to the Executive Order to achieve a 5% reduction in personnel, the overtime allotment was reduced to achieve the reduction. Some overtime is offered in critical situations; but the use of overtime is minimized to prevent burn-out.

b. Operations Report

Ms. Madsen reported on the Board's operations. Quarterly Statistics and Enforcement Performance Measures reports were provided. There is currently an 18% vacancy rate. The Operational Spending Efficiency Plan has been approved, so some of the restrictions of the hiring freeze have been lifted. Two hiring freeze exemption requests were pending at the Department of Finance for the cashiering positions; those exemptions were approved. Three hiring freeze exemptions were submitted this week.

The third quarter statistics reflect a significant increase in registration applications, which is typical. Ms. Madsen also reviewed current application processing times reflected in the Operations Report as of September 30, 2011.

Karen Pines referred to the Customer Satisfaction Survey ratings, and acknowledged that the low ratings may be a result of not being able to get through to staff on the phones. She asked if there was a statement on the website that explains the staffing challenges.

Ms. Madsen confirmed that a statement is posted on the website indicating that there are staffing challenges and to allow additional time to process applications. Staff has reached out to the associations to communicate that information as well. Application processing times are also posted on the website.

Samara Ashley joined the meeting. All Board members were now present.

A total of 1809 examinations were administered in the third quarter.

Enforcement staff is meeting the established performance measures (PM) with the exception of PM 4, Formal Discipline. The Department of Consumer Affairs (DCA) set the performance target for PM 4 at 18 months. This performance target is dependent upon the staffing and workload of outside agencies, such as the Attorney General's Office (AG) and the Office of Administrative Hearings.

On September 22, 2011, the contract was executed to implement this new database. The Board is included in the first release schedule. Full implementation will be completed late

summer 2012. One of the features of this database includes the capability to renew registrations and licenses online, as well as the capability to submit applications online.

Ms. Madsen acknowledged that the Customer Satisfaction Survey ratings are dropping and is impacted by the existing vacancies.

c. Personnel Update

Ms. Madsen reported that two employees were hired. Flora Lopes accepted the Staff Services Analyst vacancy in the Enforcement Unit, and David Jones accepted the Office Assistant position within the Licensing Unit.

Karrmyenne Williams, former BBS cashier, transferred to the California Board of Accountancy effective September 1, 2011.

d. Licensed Professional Clinical Counselor Update

Ms. Madsen provided the update on the Licensed Professional Clinical Counselor (LPCC) program. As of October 31, 2011, the Board received 360 LPCC applications.

The Board is currently in the process of finalizing the contract with the National Board of Certified Counselors (NBCC) to use the National Clinical Mental Health Counseling Examination.

The Board has completed the database revisions to incorporate the LPCC program into the current database structure. Because the LPCC program was part of the existing database structure at the time bids went out for the BreEZe project, staff has to submit a request for change. This will cost the Board an additional \$60,000.

e. Sunset Review Update

The Sunset Review report was completed and submitted to the Senate Committee on Business, Professions, and Economic Development on November 1, 2011. This comprehensive report includes a history of the Board, statistical information, Board activity, and discussion related to current issues.

f. Financial Integrity and State Manager's Accountability Act of 1983

The Legislature enacted the Financial Integrity and State Manager's Accountability Act of 1983 (FISMA), recognizing the significance and importance of effective systems of internal control. These systems provide the foundation upon which a structure of public accountability is built, ensuring the safeguarding of assets and funds and the reliability of financial information.

The Legislature charged each state agency with the responsibility of maintaining effective systems of internal control as an integral part of its management practices. All levels of management at every state agency must be involved in assessing and strengthening these systems. The Legislature also mandated that the systems of internal control be evaluated on an ongoing basis.

Biennially, each state agency shall conduct an internal review in accordance with the guidance provided by the Department of Finance (DOF). The review will evaluate compliance with the requirements of the system(s) of internal control in place at the time of the review.

To ensure that all significant risks are identified, the DCA Executive Office has requested the Board's assistance to identify risks specific to the Board. After identifying these risks, the Board will explain the probability and impact of each risk and what steps have been taken to date to reduce or mitigate this risk. A final report will be submitted to DOF by December 31, 2011. The report will include the impact of SB 704 regarding the Examination Restructure and the database conversion, as well as staffing issues.

V. Discussion and Possible Action Regarding the Reorganization of the Board Committee Structure and the Creation of an Executive Committee

Ms. Wietlisbach tabled the discussion regarding creation of an executive committee.

Ms. Wietlisbach suggested consolidating the current committees (the Licensing and Examination Committee and the Compliance and Enforcement Committee) in order to cut costs in travel and staff's time in preparing for these committees. One Committee can absorb the work of these committees, the Policy and Advocacy Committee, and add an additional member to the Policy and Advocacy Committee.

Ms. Lock-Dawson agreed that this is a good idea. She suggested creating an Ad Hoc committee to address issues as needed.

Ms. Pines suggested that the Board add committees as the need arises.

Olivia Loewy, American Association for Marriage and Family Therapy California Division (AAMFT-CA), agreed with consolidating the committees.

Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), agrees with Ms. Lock-Dawson's suggestion for creating an Ad Hoc committee to address complex issues as needed.

Ms. Lonner suggested keeping the current Policy and Advocacy Committee. With all of the complicated legislation, Board members need feedback from Board staff and stakeholders. She also expressed that it is a good idea to create Ad Hoc committees or task forces/workgroups.

Tracy Rhine commented that the jurisdiction of the committees is not a set structure; any issue can be addressed by one committee. The Policy and Advocacy Committee, as it is titled, covers everything.

Patricia Lock-Dawson moved to restructure the Board's committee structure by consolidating the current committees to one committee to be titled Policy and Advocacy Committee, to add a fourth member to the Policy and Advocacy Committee, and to create Ad Hoc committees as necessary. Samara Ashley seconded. The Board voted unanimously (9-0) to pass the motion.

The Board took a break at 9:32 a.m. and reconvened at 9:57 a.m.

VI. Discussion Regarding California Marriage and Family Therapy Occupational Analysis and Collaboration with the Association of Marriage and Family Therapy Regulatory Boards, Presented by Dr. Tracy Montez, Applied Measurement Services

Dr. Tracy Montez thanked the Board for the opportunity to contract with the Board again. Three meetings have taken place regarding this project. The first meeting involved representatives from the Board, the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB), and Dr. Montez. This meeting was to introduce the project to AMFTRB, which is to have Dr.

Montez conduct an assessment of the national exam, and to address any questions or concerns that may come up during the assessment and during their occupational analysis.

Shortly thereafter, the second meeting took place with Board staff, Office of Professional Examination Services (OPES), and Dr. Montez to discuss the project and introduce Dr. Montez's role as the liaison among the various entities.

The third meeting involved Board staff, AMFTRB, and Dr. Montez to follow up on the first meeting. Once the confidentiality agreement is signed, AMFTRB will turn over various documents and the assessment process will begin. This will take place in 2012 during the same time that AMFTRB will be conducting their occupational analysis.

The next meeting is scheduled for early December. The Board will be updated on the progress at future Board meetings.

VII. Discussion and Possible Rulemaking Action Regarding Implementation of Assembly Bill 2699, Chapter 270, Statutes of 2010

Marina Karzag presented the proposed regulations to establish exemptions for sponsored free health care events.

AB 2699, beginning January 1, 2011, allows health care practitioners licensed or certified in good standing in another state to be temporarily exempted from California licensing requirements if specific conditions are met.

In August 2009, the Remote Area Medical Volunteer Corps (RAM) conducted an eight-day health event in Los Angeles County. RAM experienced a shortage of volunteer medical, dental, and vision providers because of restrictions in state laws which prohibit specific out-of-state licensed medical personnel volunteers from providing short-term services, and RAM was forced to turn thousands of residents away.

AB 2699 allows a nonprofit or community-based organization or a local government to sponsor an event where free health care is provided and utilize the services of health care practitioners licensed in another state in order to prevent the situation that occurred in Los Angeles County.

The laws established by AB 2699 specifically apply to out-of-state licensed practitioners. Under these statutes, a sponsoring entity would be able to utilize the services of an out-of-state licensee without providing sole supervision of the licensee by adhering to the specified requirements.

The regulation package written by DCA does the following:

- Specifies registration and recordkeeping requirements for the sponsoring entity,
- Defines the application process for an out-of-state practitioner to participate in a sponsored event,
- Defines grounds for termination of authorization to participate.

The regulations package drafted by DCA leaves several decisions to each Board's discretion. At its March 2011 meeting, the Licensing and Examination Committee reviewed the draft regulations and approved specific modifications, as follows:

- Section 1820.2(a): A health care practitioner requesting authorization to practice from the board would pay a \$25 application processing fee.
- Section 1820.2(c)(2): The Board may deny the applicant's request for authorization to participate if the applicant's license type is not substantially equivalent to a license type

regulated by the Board. The Board may determine equivalency on a case-by-case basis.

At the May Board meeting, staff recommended a modification to the proposed regulations to allow the Board to deny a practitioner's request for authorization to practice if the Board does not receive the results of the criminal history check within a sufficient timeframe.

The Board approved these modifications at its May board meeting and also requested staff to make the following additional changes to the proposed regulations:

- Section 1820.2(c)(4): Add "unrestricted" to the applicant's license status requirement.
- Section 1820.2(c)(4)(A): Change the definition of "good standing" to a licensee that has not been "convicted" of an offense rather than "charged" of an offense.
- Section 1820.2(c)(4): Move this subsection to Section 1820.2(d) in order to give the Board discretion to deny an applicant without a current valid active license in good standing rather than requiring the Board to deny the application based on this criteria.

Staff also recommended to add a sunset date to the proposed regulations, but after consulting with legal counsel, it was determined that the language was not necessary because it is already in the statute.

Patricia Lock-Dawson moved to direct staff to submit the proposed regulations to the DCA Legal Division for review, to direct staff to make any non-substantive changes required by the Legal Division and initiate the rulemaking process. If the Legal Division has any substantive changes, staff is directed to make the changes and submit to the Board for review. Karen Pines seconded. The Board voted unanimously (9-0) to pass motion.

VIII. Discussion and Possible Action Regarding the Voluntary Surrender of a License or Registration to the Board

Ms. Wietlisbach tabled this item.

IX. Discussion and Possible Action to Require Law and Ethics Training as a Condition of Clinical Social Worker Licensure

Rosanne Helms presented the requirement for coursework in California law and ethics.

Applicants for licensure as a marriage and family therapist (LMFT) or LPCC are required to complete coursework in California law and professional ethics. Currently there is not an equivalent requirement in law for individuals seeking licensure as a clinical social worker (LCSW).

SB 704 re-structures the examination process for individuals seeking an LCSW license beginning January 1, 2013. After this date, an associate social worker (ASW) registrant must do the following:

- Take the California law and ethics exam within the first year of registration with the Board.
- If the law and ethics exam is not passed within the first renewal period, the registrant must complete a 12-hour law and ethics course in order to be eligible to take the exam in the next renewal cycle. The exam must be repeated in each renewal cycle until passed. In addition, in each year the exam is not passed, the 12-hour law and ethics course must be taken to establish examination eligibility.
- The law and ethics exam must be passed in order to obtain a license.

As each ASW will be required to take and pass a California law and ethics exam once the exam restructure becomes effective, staff suggests adding a requirement, similar to the ones in the LMFT and LPCC licensing laws, that an individual seeking ASW registration or LCSW licensure complete coursework in California law and ethics.

The proposed amendments for LCSW applicants would do the following:

- Require an applicant for registration to complete training or coursework in California law and ethics for clinical social workers that covers specified topic areas.
- For applicants with education and experience gained outside of California, require completion of an 18-hour course in California law and professional ethics that covers specified topic areas.
- Require that a clinical social worker applicant acquire the law and ethics training from specified educational institutions.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA), expressed concern over the speed of this proposal going forward and how quickly the schools would have to get this requirement implemented.

Ms. Helms clarified that the course does not have to be part of a degree program.

Michael Brooks commented that there is no demonstrated need for this proposed mandate.

Ms. Rhine explained that staff noticed that out-of-state applicants do not have any training or coursework in California law and ethics.

Ms. Gonzales suggested addressing this issue concerning out-of-state applicants for now, and allow for more time to address this issue concerning social workers in California.

Mr. Brooks suggested not mandating a course, but instead, informing out-of-state applicants that they must pass the law and ethics exam. Then it is the applicant's responsibility to find training in order to pass the exam.

Karen Pines moved to direct staff to make any non-substantive amendments to the proposed language, and sponsor legislation and pursue a regulatory amendment to make the proposed changes. Renee Lonner seconded. The Board voted unanimously (9-0) to pass the motion.

X. Discussion and Possible Action Regarding Gaining Post-Degree Experience Prior to Registration with the Board

Ms. Helms presented the deletion of the 90-day rule for LMFTs and LPCCs. Under current law, an applicant for MFT intern or Professional Clinical Counselor (PCC) intern registration must apply for intern registration within 90 days of the granting of his or her qualifying degree in order to be able to count supervised experience hours gained toward licensure while he or she is waiting for the Board to grant registration as an intern. This is commonly referred to as "the 90-day rule."

There is no 90-day rule for applicants for ASW registration. They may not gain supervised experience hours until registered as an ASW.

Historically, the rule has assisted recent graduates in obtaining some of their supervised experience hours during the time they are waiting for their intern registration number. Some

degree programs take 3 to 6 months to post a graduate's degree on his or her official transcript. In addition, it typically takes the Board approximately 60 days to process MFT intern applications and issue an intern registration number. Therefore, there can be a several month wait between the time an applicant graduates, and when he or she actually obtains an intern registration number. The 90-day rule allows the applicant to use this time to start gaining some of his or her supervised experience required for licensure, provided he or she submits an application to the Board within 90 days of the degree being granted.

One reason applicants for MFT intern registration have previously been allowed the 90 day rule is because they have already been gaining some supervised experience hours toward licensure while a student in their Master's or Doctoral degree program. LMFT licensing law allows a student to gain up to 1,300 hours of supervised experience prior to completion of their qualifying Master's or Doctoral degree. The original intent of the 90-day rule may have been to allow a trainee, once graduated, the opportunity to continue working in a setting after graduation, benefitting the graduate because he or she is still gaining credit for hours worked, and benefitting the patient by providing continuity of care.

The law does not allow applicants for LPCC or LCSW licensure to gain hours toward licensure while a student. This makes the law inconsistent.

Given the similar structure for gaining experience hours the Board requires of each type of applicant, a consistent policy across license types for counting experience hours may increase clarity for applicants, schools, and ultimately consumers.

An applicant gaining hours under the 90-day rule while waiting for his or her MFT or PCC intern registration may only obtain supervised experience in an exempt setting. An exempt setting may be a governmental entity, a school, college, or university, or an institution that is non-profit and charitable. However, due to liability issues and billing requirements, even many exempt settings require an intern registration number prior to hiring.

Enforcement staff has raised a concern that the 90-day rule can be used to allow an applicant to practice while temporarily bypassing the enforcement process. Under the rule, an applicant who has a previous conviction can submit their application for intern registration within 90 days of their degree being granted. They then have up to one year to submit their conviction records to the Board for review. During this time period, because they have followed the 90-day rule, they may then gain supervised experience without any restrictions the Board might place on them due to their prior conviction. Enforcement staff notes that while this is not a common occurrence, it does happen occasionally.

Ms. Epstein stated that CAMFT is opposed to deleting the 90-day rule. The continuity of care is disrupted, and this is a concern regarding the consumers. MFT trainees are working in very important roles in non-profit organizations; they will have to end that employment while waiting for their registrations. Ms. Epstein added that inconsistencies already exist across the licensing laws; some inconsistencies are necessary. If there is a concern about MFT trainees having the 90-day rule, she suggested allowing social workers to count hours during this period as well.

Ms. Wietlisbach asked if the applicant is working under supervision during the 90-day period. Ms. Helms confirmed that the applicant works under supervision during this period.

Ms. Loewy also expressed concern regarding continuity of care. She asked if the registration process can begin prior to graduation. Ms. Rhine stated that allowing registration prior to degree conferral would create programmatic issues.

Sarita Kohli also expressed concern regarding disruption of continuity of care, and suggested considering a 30-day period instead of the 90-day period.

Ms. Gonzales stated that if the Board decides to keep the 90-day rule for MFT trainees and PCC interns, it would be logical to allow for the 90-day rule to apply to social workers since their situation is similar to the PCC interns.

Ms. Rhine outlined the Board's options:

- Make no change,
- Eliminate the 90-day rule,
- Change the 90-day rule pertaining to PCC interns, allowing them to count the hours, or
- Allow the 90-day rule to apply to ASWs.

Renee Lonner moved to eliminate the 90-day rule, direct staff to make any non-substantive changes to the attached amendments, and submit legislation to make the change. Patricia Lock-Dawson seconded. The Board voted unanimously (9-0) to pass the motion.

Ms. Epstein asked if there will be a delayed implementation date. Ms. Rhine responded that her suggestion would be to delay implementation by one year.

XI. Policy and Advocacy Committee Report

a. Legislative Clean-Up Business and Professions Code Sections 4980.34, 4980.43, 4980.78, 4980.80, 4980.397, 4980.398, 4980.399, 4984.4, 4989.42, 4992.05, 4992.07, 4992.09, 4996.6, 4996.9, 4999.22, 4999.32, 4999.45, 4999.46, 4999.57, 4999.58, 4999.59, 4999.90, 4999.106 and 4999.120

Ms. Helms presented the omnibus bill:

1. Amend BPC Section 4980.34 – Addition of LPCCs. This section states the intent of the Legislature that the Board license LMFTs, LCSWs, and educational psychologists (LEPs). It does not currently include licensure of LPCCs.

The recommendation is to add LPCCs to Section 4980.34.

2. Amend BPC Section 4980.43 – Supervised Experience. This section specifies the type of supervision that is required for credited experience. As written, this law implies that direct supervision is required for all experienced gained. However, staff believes that there are certain types of experience for which direct supervision is not appropriate.

The recommendation is to amend this section to exempt experience gained through professional enrichment activities as defined in law from direct supervision.

3. Amend BPC Sections 4999.32, 4999.57, 4999.58, and 4999.59 – Reference to California Law and Professional Ethics Course. Various LPCC code sections each discuss examination eligibility requirements for various types of out of state applicants or licensees. These sections erroneously imply that the applicant must complete an 18-hour California law and professional ethics course, in addition to the 18-hour ethics course that is already required. Staff does not believe it is the intent of the law to require an applicant to complete two 18-hour California law and professional ethics courses.

In addition, Section 4999.32 states that the 18-hour California law and ethics course must be taken, but it does not specify any of the course content that such a course should contain.

The recommendation is to delete the 18-hour California law and ethics course requirement in Sections 4999.57, 4999.58, and 4999.59, as these sections already specify that the applicant must meet the requirements of subdivision (e) of Section 4999.32, which requires the same course.

It is also recommended to amend paragraph (6) of subdivision (e) of Section 4999.32 to specify that the course content of the California law and ethics course must contain the elements that were previously listed in Sections 4999.57, 4999.58, and 4999.59.

Minor amendments were made to the language in sections 4999.57, 4999.58, and 4999.59 since the language was approved at the October 2011 Policy and Advocacy Committee meeting. The amendments were made in response to a request for further clarification of the need for the 18-hour California law and ethics course for out of state applicants in addition to the regular law and ethics course required as part of the degree program. Minor amendments were also made to Section 4999.32. It was requested that a reference to required instruction covering the Health Insurance Portability and Accountability Act (HIPAA) be changed to a reference requiring instruction in “state and federal laws related to confidentiality of patient health information,” in case the HIPAA is ever changed.

4. Amend BPC Section 4980.78 – California Law and Professional Ethics. This section discusses substantially equivalent education requirements for out of state applicants for licensure or registration applying after January 1, 2014. Under current law, such an applicant is required to take an 18-hour course in California law and professional ethics. The new law effective January 1, 2014 also requires a course in California law and professional ethics, however there is no specification on the length of the course. It is recommended to amend this section to require the course in California law and professional ethics be 18 hours in length.
5. Amend BPC Sections 4980.397 and 4992.05 – Acceptance of Valid Passing Exam Scores. These sections were added by SB 704, which restructures the examination process for the Board’s LMFT, LCSW, and LPCC licensees beginning in 2013. Under the restructure, all applicants would be required to take and pass a California law and ethics examination and a clinical examination.

For LPCCs, SB 704 specified that a valid passing score on the clinical examination must have been obtained less than seven years prior to the application date. This was based on current law for LMFTs and LCSWs that require a passing score on the standard written exam be no more than seven years old in order to be eligible to participate in the clinical vignette exam. LPCC law gave the Board the discretion to choose whether to offer its own clinical examination or to use the National Clinical Mental Health Examination (NCMHCE). The Board chose to use the NCMHCE. Therefore, the law requires that a passing score on the NCMHCE must be obtained less than seven years from the date of the application, and within seven years of the first attempt.

The Board has also accepted the Association of Social Work Boards (ASWB) Clinical Level Examination as the acceptable examination for LCSW licensure. ASWB has committed to making the changes required by the Board. If the changes are made in

time, the Board hopes to be able to begin offering the ASWB exam as the clinical exam when the exam-restructure takes effect on January 1, 2013.

The Board is beginning discussions with the AMFTRB to see if its national exam would be suitable for future use as the clinical exam used for LMFT licensure in California. In the meantime, the Board will administer the clinical exam required for LMFT licensure.

SB 704 did not place a limit on when a passing score on the clinical exam must have been obtained for LMFT and LCSW candidates, as long as it is passed within seven years of the initial attempt. It does not cover candidates who passed the exam several years ago.

The recommendation is to discuss and determine whether these sections should be amended to limit when the valid passing clinical exam scores of LMFT and LCSW applicants must have been obtained prior to the application date.

6. Amend BPC Sections 4980.398, 4980.399, 4992.07, and 4992.09 – Examination Restructure Transition. These sections outline scenarios for LMFT and LCSW applicants who have already taken or obtained eligibility for previous examinations once the examination restructure becomes effective.

The recommendation is to make technical amendments to clarify that if an applicant has previously passed the standard written exam but not the clinical vignette exam, then under the examination re-structure, he or she would need to pass the new clinical exam. However, he or she would not need to take the new California law and ethics exam, because the previously passed standard written exam had already fulfilled this requirement.

7. Amend BPC Sections 4984.4, 4989.42, 4996.6, and 4999.106 – Fingerprinting. These sections outline requirements for a licensee whose license was not renewed within three years after its expiration, to obtain a new license.

California Code of Regulations (CCR) Title 16, Section 1815, requires all licensees and registrants to submit fingerprints and complete a state and federal level criminal offender record information search through the Department of Justice. In addition, Section 4999.51 of the LPCC code requires LPCC applicants for licensure or intern registration to do this as well. However, this requirement is not currently referenced in these sections.

The recommendation is to amend Sections 4984.4 (LMFTs), 4989.42 (LEPs) and 4996.6 (LCSWs) to reference the fingerprinting requirement in regulations, and to amend Section 4999.106 (LPCCs) to reference the similar requirements in LPCC code.

8. Amend BPC Sections 4980.04, 4999.22 – Licensed Marriage and Family Therapist Act. Section 4980.04 should reference the Licensed Marriage and Family Therapist Act. Section 4999.22 should reference the Licensed Marriage and Family Therapist Act, instead of the marriage and family therapy licensing laws.

The recommendation is to make amendments to Sections 4980.04 and 4999.22 to reference the Licensed Marriage and Family Therapist Act.

9. Amend BPC Section 4999.45 – 90-Day Rule for PCC Interns. This section states that a PCC intern must not perform any duties, except as a clinical counselor trainee, until he or she is registered as an intern. This is in conflict with Section 4999.46(d), which allows post degree hours of experience to be gained as long as the applicant applies for intern registration within 90 days of degree conferral.

This may be thrown out depending on the legislative outcome resulting from agenda item X regarding the 90-day rule. The recommendation is to amend 4999.45(a) to clarify and make consistent in law that a PCC intern may perform duties as an intern provided that he or she applies for intern registration within 90 days of the granting of his or her degree, and that he or she is registered as an intern by the Board.

10. Amend BPC Section 4999.45 – Annual Renewal for PCC Interns. This section states that a PCC intern must file for renewal annually. This implies that a PCC intern may continue to practice as long as they fill out a renewal form and send it to the Board. However, the Board must review the application and determine that the intern meets certain criteria in order to renew the application.

The recommendation is to amend this section to clarify that a PCC intern must renew annually in order to retain their intern status.

11. Amend BPC Section 4999.45 – Limitation on PCC Intern Employment. Section 4999.45(e) states that a PCC intern must cease employment after six years unless he or she obtains a new intern registration. This is repetitive, as subsections (d) and (f) already cover this requirement.

The recommendation is to delete Section 4999.45(e).

12. Amend BPC Section 4999.46 – Exam Eligibility. This section lists the supervised experience requirements a PCC intern must meet in order to qualify for licensure. However, a PCC intern must also meet these requirements in order to qualify for examination eligibility.

The recommendation is to amend this section to state that an applicant must meet the listed supervised experience requirements to qualify for licensure or examination eligibility.

13. Amend BPC Section 4999.46 – Definitions. Section 4999.46(b)(5) states the requirement of 150 supervised clinical experience hours in a hospital or community mental health setting. LPCC regulations now specifically define the terms “clinical setting” and “community mental health setting.”

The recommendation is to amend this section to reference these definitions in regulation.

14. Amend BPC Section 4999.90 – Unprofessional Conduct. Several subdivisions of the LPCC unprofessional conduct section are in need of minor technical amendments to conform to the unprofessional conduct sections for other licensees.

The recommendation is to make technical amendments to this section to conform to existing laws regarding substance abuse, supervision, and inclusion of LPCCs.

15. Amend BPC Section 4999.120 - LPCC Fees. This section sets the various fees charged to LPCCs. SB 274 removed the annual renewal requirement for LPCC licenses issued under grandparenting. Therefore, the fee listed in subsection (h) is obsolete.

The recommendation is to amend this section of the LPCC code to remove the fee established in subsection (h).

The following additional omnibus bill items were issues raised recently and were not discussed at the Policy and Advocacy meeting in October 2011.

16. Amend BPC Section 4980.80 – California Law and Professional Ethics. Section 4980.78 sets forth requirements for out of state applicants for licensure or registration applying before January 1, 2014. Under current law, an applicant who completed a two-semester or three-quarter unit course in law and professional ethics for marriage and family therapists that included areas of study specified in Section 4980.41 must also complete an 18-hour California law and ethics course.

However, the course of study specified in Section 4980.41 must be a course in California law and professional ethics. It is unlikely that an out-of-state applicant would have taken a law and ethics course specific to California. If they had, there would be no need for them to take an additional 18-hour course. Therefore, this requirement is duplicative.

The recommendation is to amend Section 4980.80 to require an 18-hour course in California law and professional ethics if the applicant has completed a 2 quarter unit or semester unit course that does not meet the requirements specified in 4980.41.

17. Amend BPC Section 4999.90 – Unprofessional Conduct. It is considered unprofessional conduct for both LMFT and LCSW licensees and registrants to violate the law as it relates to a patient's access to his or her own records. There is no similar clause in LPCC licensing law.

The recommendation is to amend this section to add a provision stating that it is unprofessional conduct for an LPCC applicant or registrant to violate the law regarding patient access to his or her records.

Ms. Epstein commented on #5 regarding acceptance of valid passing exam scores. She stated that CAMFT does not have an opinion on whether 7 years is the right amount of time. She asked if Ben Caldwell, AAMFT-CA, provided additional information regarding benchmarks used by other states.

Ms. Rhine responded that Mr. Caldwell has not presented that information yet. Seven years is the cycle used for the Board's occupational analysis, which is how the 7-year benchmark was derived.

Ms. Gonzales suggested that the Board not make a decision on this matter until more information is brought forward.

Judy Johnson moved to direct staff to make any non-substantive changes to the proposed language with the exception of #5 and #9, and sponsor legislation to make the suggested amendments. Christina Wong seconded. The Board voted unanimously (9-0) to pass the motion.

The Board recessed for lunch at 11:39 a.m. and reconvened at 1:28 p.m.

b. Discussion and Possible Regulatory Action to Make Conforming Changes to California Code of Regulations Title 16, Section 1833 Implementing SB 363, Chapter 384, Statutes of 2011

Ms. Helms presented SB 363 regulatory changes. SB 363 limited the number of client-centered advocacy hours for a marriage and family therapist intern to 500 hours.

Previously, the law limited the number of hours an MFT intern could obtain for direct supervisor contact, professional enrichment activities, and client centered advocacy together to 1,250 hours. The Board had concerns that this allowed an intern to potentially obtain too many client centered advocacy hours, when they should be gaining the majority of their hours counseling clients in order to adequately prepare them for licensure.

Due to these concerns, SB 363 revised the law to allow up to 500 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes, and client centered advocacy.

A conflict now exists between the revised law and Section 1833(a)(4) of the Board's regulations. This section of regulations currently only allows up to 250 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes. This is in direct conflict with the 500 hours allowed with the revisions of SB 363.

The proposed changes are:

1. Strike CCR Section 1833(a)(4), which is the section in regulations limiting experience gained administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes to 250 hours. The new requirement from SB 363, which allows up to 500 hours, is already clearly specified in Section 4980.43(a)(9) of the code.
2. Correct reference errors in Section 1833 of the Board's regulations that have occurred due to changes in statute.

At its October 2011 meeting, the Policy and Advocacy Committee recommended that the Board direct staff to pursue regulations to make the proposed changes.

Christina Wong moved to direct staff to make any non-substantive changes to the amendments and pursue a regulatory package to make the proposed changes. Sarita Kohli seconded. The Board voted unanimously (9-0) to pass the motion.

b. Discussion and Possible Rulemaking Action Regarding Implementation of SB 704, Chapter 387, Statutes of 2011; Examination Restructure

Ms. Helms presented the proposed regulations to incorporate examination restructure.

Effective January 1, 2013, applicants for LMFT, LPCC, and LCSW licensure shall pass two exams: a California law and ethics examination and a clinical examination. These new exams replace the standard written and the clinical vignette exams currently in place for MFTs and LCSWs, and change the exam structure for LPCCs. The changes are as follows:

Law and Ethics Exam

- A new registrant with the Board would be required to take the law and ethics exam. This exam must be taken within the first year of registration with the Board.
- If the law and ethics exam is not passed within the first renewal period, the registrant must complete a 12 hour law and ethics course in order to be eligible to take the exam in the next renewal cycle. The exam must be re-taken in each renewal cycle until passed. In addition, in each year the exam is not passed, the 12 hour law and ethics course must be taken to establish examination eligibility.
- According to current law, a registration cannot be renewed after six years. If a registrant's registration expires, he or she must pass the law and ethics exam in order to obtain a subsequent registration number.

Clinical Exam

Once a registrant has completed all supervised work experience, completed all education requirements, and passed the law and ethics exam, he or she may take the clinical exam. This exam must be passed within seven years of an individual's first attempt. If it is not passed within this timeframe, the individual's eligibility to further attempt the exam is placed on hold. He or she must then pass the current version of the law and ethics exam before re-establishing eligibility to take the clinical exam.

Examination Restructure for LPCCs

Under SB 704, LPCCs will follow the same examination process as LMFTs and LCSWs for the law and ethics exam, however, the current exam structure for LPCCs differs from LMFTs and LCSWs.

Current law states that once an LPCC registrant has completed all supervised work experience, completed all education requirements, and passed the law and ethics exam, he or she may take a clinical exam administered by the Board, or the national examinations, if the Board finds that one of these examinations meet the prevailing standards for validation and use of the licensing and certification tests in California.

At its meeting in May 2011, the Board accepted the National Clinical Mental Health Counselor Examination (NCMHCE) as meeting California testing standards. This proposed regulation establishes the NCMHCE as the designated examination for LPCCs.

Several sections of the Board's regulations need to be revised in order to be consistent with the changes in SB 704 and the Board's recent decision to accept the NCMHCE exam for LPCCs. These changes fall into three categories:

- Incorporation of the NCMHCE and the California Law and Ethics examination into regulation as Board-designated exams required for LPCC licensure candidates.
- Revision of references to examination names in regulations in order to be consistent with the newly required examinations for registrants seeking an LMFT, LCSW, or LPCC license.
- Incorporation of language allowing the Board to accept the national examinations for LMFT and LCSW licensure, if the examinations are determined to be appropriate by the Board.

In addition, the passage of SB 274, deleted the annual renewal requirement for LPCCs who obtained a license through the grandparenting process. Grandparented LPCCs will now renew biennially, consistent with all other Board-issued licenses. The proposed regulations incorporate this change as well.

At its October 2011 meeting, the Policy and Advocacy Committee directed staff to make minor technical changes and submit to the Board for consideration as a rulemaking package.

Judy Johnson moved to direct staff to make any non-substantive changes and submit a rulemaking package to make the proposed regulatory amendments. Patricia Lock-Dawson seconded. The Board voted unanimously (9-0) to pass the motion.

c. Discussion and Possible Action Regarding Continuing Education Provider Approval, California Code of Regulations Title 16, Article 8, Creation of a Continuing Education Committee

Ms. Rhine presented revisions of continuing education provider regulations.

Current law requires all licensees of the Board, as a condition of biennial licensure renewal, to complete 36 hours of continuing education (CE). CE courses must be obtained from:

- An accredited or state-approved school; or,
- A professional association, licensed health facility, governmental entity, educational institution, individual, or other organization approved by the Board.

In order to be approved by the Board, a CE Provider must meet the Board's course content and instructor qualification criteria as outlined in statute and regulation.

CE course content shall be applicable to the practice of the particular profession and must be related to direct or indirect patient care. A CE Provider must renew their approval every 2 years.

A number of issues have come to the attention of staff this year related to CE Provider approval. One of the issues was the inclusion of self-study courses versus online courses. It is difficult for staff to determine the difference between a self-study course and an online course. Currently, all 36 hours of CE can be obtained through an online course, but only half of the CE can be obtained through a self-study course.

There are several policy questions and technical issues that should be addressed; for example, whether SMEs should receive CE credit for their work.

Another issue is related to the National Association of Research and Therapy of Homosexuality (NARTH). The Board began receiving calls from the public regarding NARTH. NARTH was approved by the Board as a CE Provider in 1998. NARTH provides CE classes and are active in "conversion" therapy for individuals that have unwanted homosexual tendencies. Hundreds of emails were received from individuals protesting the approval of this organization.

The Board does not have discretion regarding course content. It is the responsibility of the CE provider to ensure that they meet the course content requirement. The Legislature is looking at this, and there will be a bill moving forward.

There are many other deficiencies in the CE provider system that needs to be addressed. At its meeting in October 2011, the Policy and Advocacy Committee recognized the need to review the current regulations and taking a look at the issues. Another matter that should be discussed is the integration of the continuing education model.

Last year DCA began the discussion of transitioning healing arts board's from a continuing education model to a continuing competency model for licensure renewal. Continuing competency, at its most basic level, is a model that goes beyond imposing mandatory CE courses and requires that the licensee's knowledge, skills and clinical performance be assessed to determine areas of needed improvement. Education under the continuing competency model may be gained through different paths beyond the traditional classroom or coursework structure. Additionally, a continuing competency model generally requires demonstration of current competency, usually through an examination.

The Board of Podiatric Medicine within DCA has a continuing competency model. Other boards, such as the Board of Occupational Therapy, have adopted a hybrid system which requires the completion of professional development units (PDUs).

The Policy and Advocacy Committee suggested creating a two-member Ad Hoc committee to examine the issues and possible solutions to be considered by the Board.

Dr. Johnson referred to courses within the school districts that were meant to take place over a period of time, for a number of hours in length each day. Individuals attended these courses for about 30 minutes to correct their school work.

Ms. Wong expressed that it is important to monitor CE providers and the coursework that is delivered.

Discussion took place regarding the formation of a subcommittee to address CE issues. Ms. Lock-Dawson and Ms. Pines expressed that this is a large project for only two members, and suggested adding additional members to the subcommittee. Dr. Douglas suggested a two-member committee to begin the work, and later, more members can be added to the committee if necessary.

Ms. Madsen ensured that the subcommittee will have staff support. Dr. Johnson agreed with Dr. Douglas' suggestion.

Ms. Lock-Dawson asked what the objective would be for this subcommittee. Ms. Rhine responded that the CE program would go through a holistic review, and the subcommittee would determine if changes should be made to the program. This subcommittee would operate as a workgroup with stakeholders involved. Staff would research information and provide that information to the subcommittee.

Ms. Epstein expressed that CAMFT would like to be involved in this process. Ms. Rhine responded that the associations are an important component to this process.

Ms. Lock-Dawson stated that the subcommittee, with the assistance of Board staff, should conduct substantial amount of outreach to affected stakeholders. Dr. Douglas agreed, stating that the input from stakeholders is important.

Patricia Lock-Dawson moved to create a two-member subcommittee to examine the issues and possible solutions to be considered by the Policy and Advocacy

Committee for recommendation to the Board. Christina Wong seconded. The Board voted unanimously (9-0) to pass the motion.

d. Discussion and Possible Rulemaking Action Regarding Revision of Disciplinary Guidelines

Ms. Helms presented proposed revisions to the enforcement regulations.

Staff is proposing several revisions to the Disciplinary Guidelines, which are incorporated by reference into Board regulations. These changes are based on suggested adjustments from the Board's enforcement unit.

The proposed changes are:

1. Update of penalty guideline references: Due to legislative changes, several sections listed as references in the penalty guidelines need to be updated to reference the correct section.
2. Reimbursement of Probation Program: A respondent's reimbursement to the Board of his or her probation program costs is listed in the Disciplinary Guidelines as an optional term and condition of probation. However, it is standard that the Board requires a probationer to reimburse the Board for probation costs. Therefore, this condition has been moved to the list of standard terms and conditions of probation.
3. Psychotherapy: If a respondent is required to participate in psychotherapy as one of the terms of his or her probation, the Disciplinary Guidelines currently require that within 60 days of the effective date of the Board's decision, the respondent must submit to the Board the name and qualifications of the therapist he or she would like to choose within 60 days of the effective date of the Board's decision. However, once a respondent is notified of an adopted decision, they have 30 days before the decision becomes effective. From this time, under current law, the respondent then has another 60 days to choose a therapist. As a result, respondents are not starting their required psychotherapy for approximately 3 to 4 months.

Staff proposes changing the 60-day period to submit a therapist for approval to 15 days. If this change is implemented, a respondent would know 45 days in advance that they must choose a therapist and submit the pertinent information about their chosen therapist to the Board.

4. Rehabilitation Program: The Board may require a respondent to participate in a rehabilitation program as one of the terms of his or her probation. Staff recommends an amendment requiring a rehabilitation program to submit to the Board quarterly written reports addressing the respondent's progress in the program.
5. Submission of Biological Fluid Testing and Samples: If a respondent is required to submit to biological fluid testing and samples as a term of probation, the Disciplinary Guidelines state it is currently his or her responsibility to ensure the testing agency submits the results to the Board. However, this is now done automatically through the testing agency. Therefore, staff proposes deleting this requirement.
6. Monitoring of Billing System: Under current law, if a respondent is required to obtain a billing system monitor as a term of probation, he or she will be notified of the decision and have 30 days before it becomes effective. Once effective, he or she must then obtain a billing system monitor within 30 days.

Staff proposes an amendment that is more consistent with the Board's requirements for other terms and conditions of probation. A respondent would still be notified of the Board's decision and have 30 days before it becomes effective. Once effective, the respondent would need to submit the name of the billing monitor he or she would like to use for Board approval within 15 days. Once the Board approves a billing monitor, the respondent must obtain the services of the billing monitor within 15 days of the Board's approval.

7. License Surrender: Staff proposes a clarification to the license surrender language in the Disciplinary Guidelines. The modification would add gaining experience to the list of requirements that an applicant would need to meet if he or she decided to re-apply for licensure in the future.

At its October 13, 2011 meeting, the Policy and Advocacy Committee recommended that the Board direct staff to begin the rulemaking process.

Michael Santiago commented on the item #4 regarding the rehabilitation program. This relates in the draft of the Disciplinary Guidelines item #7. It states that the quarterly report shall be submitted to the Board by the rehabilitation program. There is no authority for the Board to require that the rehabilitative program provide a report. It is upon the respondent to ensure that the Board receives the progress or status update directly from the rehabilitation program.

Samara Ashley moved to direct staff to make any non-substantive changes to the proposed language and begin the rulemaking process, and to include language provided by legal counsel regarding reports from the rehabilitation program in item #4 and trigger language in Section 1888. Judy Johnson seconded. The Board voted unanimously (9-0) to pass the motion.

e. Discussion and Possible Regulatory Action Regarding the Implementation of SB 1441, Chapter 548, Statutes of 2008 and SB 1172, Chapter 517, Statutes of 2010

Ms. Helms presented the proposed regulations incorporating uniform standards for substance abusing healing arts licensees.

Senate Bill 1441 signed in 2008, required DCA to establish the Substance Abuse Coordination Committee (SACC). The SACC, comprised of the executive officers of the DCA's healing arts boards, was tasked with formulating, by January 1, 2010, uniform and specific standards in specified areas that each board would be required to use in dealing with substance abusing licensees.

The goal of this process was to create consistent and uniform standards allowing consumers better and more consistent protection from substance abusing licensees.

Board staff has incorporated the standards into the Disciplinary Guidelines except for Standards 13 through 16. These standards involve either diversion programs, which the Board does not have, or data collection, which is an internal Board function not appropriately addressed through regulations.

The proposed Uniform Standards Related to Substance Abuse and Disciplinary Guidelines consist of four parts:

1. Uniform Standards Related to Substance Abuse: This is a new section and would apply to licensees or registrants who test positive for a controlled substance, or whose license or registration is on probation due to a substance abuse problem.
2. Penalty Guidelines: This section was already part of the Disciplinary Guidelines. It lists types of violations and the range of penalties that may be imposed.
3. Disciplinary Orders: This section was already part of the Disciplinary Guidelines. It contains language for proposed optional and standard terms and conditions of probation. It has been modified to include the new uniform standards related to substance abuse.
4. Board Policies and Guidelines: Already part of the Disciplinary Guidelines, this section explains the policies and guidelines for various enforcement actions.

SB 1172, passed in 2010, requires a healing arts board to suspend a license if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program. This law allows a board to adopt regulations authorizing it to suspend the license of a licensee on probation or in a diversion program for major violations and when the Board orders a licensee to undergo a clinical diagnostic evaluation.

The Uniform Standards Related to Substance Abuse, which have been added to the Board's Disciplinary Guidelines, include these authorities, and therefore fulfill the requirements of SB 1172.

Staff has made some minor updates since the October 2011 Policy and Advocacy Committee Meeting. The updates are:

- Excluding professional relationships with a licensee in places where financial, personal, or business relationships are already prohibited.
- Specifying that a supervisor must submit his or her required monthly written report directly to the Board.
- Clarifies that the facilitator of a chemical dependency support or recovery group, who is required to be licensed or certified by the state or other nationally certified organizations, must be licensed or certified to provide substance abuse recovery services.
- Other minor technical changes for clarity.

At its October 2011 meeting, the Policy and Advocacy Committee directed staff to submit the proposed regulations to the Board for consideration.

Mr. Santiago reported on the legal opinion on SB 1441 provided by the Legislative Counsel. This legal opinion attempted to address two issues.

1. Was the Substance Abuse Committee (Committee) required to adopt the Uniform Standards pursuant to the rulemaking procedures under the Administrative Procedure Act? According to the Legislative Counsel, the Committee should have gone through the regulatory process.
2. Are the healing arts boards required to implement the Uniform Standards. According to the Legislative Counsel, it is mandatory for the healing arts boards to implement the standards that the Committee set forth.

This still raises some issues for the Board to consider:

- If this Committee reconvenes, will it propose regulations?
- If the Committee reconvenes and goes through the rulemaking process to implement regulations for the standards, what if there is a conflict with to the Board's standards?
- Taking into account that the Board is required to implement the standards, must all the standards be applied to an abusing licensee? Does the Board have discretion which of those standards it can apply to the abusing licensee?

Mr. Santiago outlined the Board's options:

- The Board can go through with rulemaking package provided by staff, or
- The Board can ask DCA for guidance.

Ms. Lock-Dawson and Ms. Lonner both agreed to seek guidance from DCA.

Mr. Brooks expressed that the Board should issue a statement on how it views the use and misuse of substances by licensees. There is no such statement about how it views the responsibility for the licensee to deal with these issues, and what happens when there is a violation instead of breaking it down to a regulatory concept. The regulatory concept does not serve the public or the licensees; it does not address the issue.

Patricia Lock-Dawson moved to direct staff to seek guidance. Karen Pines seconded. The Board voted unanimously (9-0) to pass the motion.

f. Legislative Update

Ms. Helms presented the legislative update.

The Board sponsored four bills, and all were signed by the Governor:

1. SB 274 regarding Professional Clinical Counselors grandparenting period.
2. SB 363 regarding MFT training practicum , client-centered advocacy, and supervision of MFT interns.
3. SB 704 regarding the examination restructure.
4. SB 943, the Board's omnibus bill.

AB 956 regarding advertisements of MFT interns and trainees and SB 146 which adds LPCCs to statutory code sections were signed into law.

g. Rulemaking Update

Ms. Helms presented the rulemaking update. Several regulatory packages have been approved by the Board, and staff is currently sending rulemaking packages to Office of Administrative Law.

XII. Suggestions for Future Agenda Items

Ms. Pines requested that Board seek input from stakeholders on proposals, and this should be a continuing agenda item.

XIII. Public Comment for Items Not on the Agenda

No public comments were made.

XIV. Adjournment

The meeting was adjourned at 2:56 p.m.

Thursday, November 10th

Members Present

Christine Wietlisbach, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Samara Ashley, Public Member
Harry Douglas, Public Member
Judy Johnson, LEP Member
Sarita Kohli, LMFT Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
Michael Santiago, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

Guest List

On file

FULL BOARD OPEN SESSION

XV. Introductions

Christine Wietlisbach, Board Chair, opened the meeting at 8:08 a.m. Christina Kitamura called roll. A quorum was established. Board members, Board staff, and audience introduced themselves.

XVII. Petition for Early Termination of Probation, Patricia Evans, MFC 48187

Administrative Law Judge (ALJ) Karl Engeman presided over the hearing. Brian Turner, Deputy Attorney General (DAG), represented the State of California.

Judge Engeman opened the hearing at 8:09 a.m. DAG Turner presented the matter. Ms. Evans presented her request to terminate her probation and information to support her request. DAG Turner cross-examined Ms. Evans. Board members also posed questions to Ms. Evans. After answering all questions, Ms. Evans presented her closing remarks.

Karen Pines joined the meeting at 8:09 a.m. Sarita Kohli joined the meeting at 8:12 a.m.

Judge Engeman closed hearing 8:55 a.m.

XVI. Petition for Modification of Penalty, Edward Tovar, MFC 48554

Ms. Madsen informed the Board that petitioner Edward Tovar will not attend the hearing. The petition was denied.

The Board proceeded into closed session.

BOARD CLOSED SESSION

XVII. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session for Discussion and Possible Action on Disciplinary Matters

XVIII. Pursuant to Section 11126(a) of the Government Code, the Board Will Meet in Closed Session to Evaluate the Performance of the Board's Executive Officer

The Board took a break and reconvened at 2:50 p.m.

FULL BOARD OPEN SESSION

XIX. Suggestions for Future Agenda Items

No suggestions were made for future agenda items.

XX. Public Comment for Items Not on the Agenda

Brian Stiger, DCA Director, spoke about the recent Legislative Counsel's opinion on SB1441. DCA's Executive Office and Legal Affairs has not been able to analyze that opinion and work with OAL on that opinion. Therefore, Mr. Stiger urges the Board to move forward with the uniform standards.

Doreathea Johnson, Deputy Director of Legal Affairs, clarified that the opinion from the Legislative Counsel is not binding. She also urged the Board to move forward.

XXI. Adjournment

The meeting was adjourned at 2:56 p.m.

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www.bbs.ca.gov

To: Board Members

Date: February 17, 2012

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7830

Subject: Ethical Decision Making

Board Counsel Michael Santiago will make a presentation to the Board regarding ethical decision making.

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**BAGLEY-KEENE OPEN MEETING ACT
TOP TEN RULES**

[NOTE: GC § = Government Code Section; AG = Opinions of the California Attorney General.]

- 1. All meetings are public. (GC §11123.)**
- 2. Meetings must be noticed 10 calendar days in advance—including posting on the Internet. (GC §11125(a).)**
- 3. Agenda required—must include a description of specific items to be discussed (GC §§ 11125 & 11125.1).**
 - a. No item may be added to the agenda unless it meets criteria for an emergency. (GC §11125(b).)**
- 4. Meeting is “gathering” of a majority of the board or a majority of a committee of 3 or more persons where board business will be discussed. Includes telephone & e-mail communications. (GC § 11122.5; Stockton Newspapers Inc. v. Members of the Redevelopment Agency of the City of Stockton (1985) 171 Cal.App.3d 95.)**
- 5. Law applies to committees, subcommittees, and task forces that consist of 3 or more persons (includes all persons whether or not they are board members). (GC §11121)**
- 6. Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote, unless: (GC §11125.7.)**
 - a. The public was provided an opportunity to comment at a previous committee meeting of the board. If the item has been substantially changed, another opportunity for comment must be provided.**
- 7. Closed sessions (GC §11126.) At least one staff member must be present to record topics discussed and decisions made. (GC § 11126.1).**

Closed session allowed:

- a. Discuss and vote on disciplinary matters under the Administrative Procedure Act (APA). (subd. (c)(3).)**
- b. Prepare, approve or grade examinations. (subd. (c)(1).)**
- c. Pending litigation. (subd. (e)(1).)**

- d. Appointment, employment, or dismissal of executive officer (EO) unless EO requests such action to be held in public. (subd. (a), (b).)

No closed session allowed for:

- a. Election of board officers. (68 AG 65.)
- b. Discussion of controversial regulations or issues.

- 8. No secret ballots or votes except mail votes on APA enforcement matters. (68 AG 65; GC §11526.)
- 9. No proxy votes. (68 AG 65.)
- 10. Teleconference Meetings (GC §11123.)
 - a. Suitable audio or video must be audible to those present at designated location(s). (subd. (b)(1)(B).)
 - b. Notice and agenda required. (subd. (b)(1)(A).)
 - c. Every location must be open to the public and at least one board member must be physically present at the specified location. All members must attend at a public location. (subds. (b)(1) (C), and (F).)
 - e. Rollcall vote required. (subd. (b)(1)(D).)
 - f. Emergency meeting closed sessions not allowed. (subd. (b)(1)(E).)

ETHICAL DECISION MAKING

Questions	Mandatory Disqualification	Need Further Discussion
<p>Have you served as</p> <ul style="list-style-type: none"> • investigator • prosecutor, or • advocate <p>before or during the adjudicative proceeding?</p>	Yes	
<p>Are you biased or prejudiced for or against the person?</p> <p style="text-align: center;">or</p> <p>Do you have an interest (including a financial interest) in the proceeding?</p>	Yes	
<p>Have you</p> <ul style="list-style-type: none"> • engaged in a prohibited ex parte communication before or during adjudicative proceeding (may result in disqualification)? <p>OR</p> <ul style="list-style-type: none"> • complained to you about investigation currently in progress and said how great he or she is <p>√ “Ex parte” communication: direct or indirect communication with you by one of the parties or its representative without notice and opportunity for all parties to participate in the communication (e.g. applicant or licensee (or someone acting on that person’s behalf)</p>		Yes
<p>Do you or your spouse or a close family member (such as an uncle or cousin) have personal knowledge of disputed evidentiary facts concerning the proceeding?</p>		Yes
<p>Do you doubt your capacity to be impartial?</p>		Yes
<p>Do you, for any reason, believe that your recusal would further the interests of justice?</p>		Yes

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2011/2012 Budget

The Board's 2011/2012 budget is \$7,779,000. Expenditures as of December 31, 2011, total \$3,386,460. 17% of these expenditures are attributed to personnel expenses and 9% related to enforcement activities. The remaining expenses are related to operating expenses, equipment, and examination development. Projected expenses through the end of the fiscal year, which include the additional BreEZe costs, are estimated to be \$7,698,025.

Revenues as of December 31, 2011, are \$4,396,080.33 representing 57% of the Board's total budget.

Fund Condition

The Board's current fund condition reflects a reserve balance of 3.1 months.

General Fund Loans

In response to California's budget shortfalls, loans from special fund agencies to the General Fund have been part of the solution. Since 2002/2003, the Board has loaned the General Fund (GF) \$12.3 million. \$6 million dollars in 2002/2003, \$3 million dollars in 2008/2009, and \$3.3 million dollars in 2011/2012.

Governor's Budget for 2012/2013

Every January, as part of the budget process, the Governor releases the budget for the upcoming fiscal year. This year the Governor released his budget on January 5, 2012. The proposed budget provides \$8,153,000 in authorized spending for the Board, a slight increase from the Board's current year spending authorization. The Governor's budget also provides for a repayment of \$2 million dollars to the Board for monies previously loaned to the General Fund. Once this occurs, the outstanding balance of the loans made to the General Fund will total \$10.3 million dollars.

The Governor's budget also included a series of proposals to improve government efficiency and pay down California's debts. The proposals include reorganization of state government to make it more efficient by consolidating functions. These proposals are discussed in the summary entitled *Making Government More Efficient* which is included for your review. A full copy of the Governor's budget can be obtained from the Department of Finance website at www.dof.ca.gov.

Although it appears that the board will not be directly impacted by the reorganization proposal, changes proposed to the Department of Consumer Affairs and State and Consumer Services Agency could result in some indirect changes. Board staff will continue to monitor developments and will provide reports to the board as more information is obtained.

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BBS EXPENDITURE REPORT FY 2011/12

OBJECT DESCRIPTION	10/11	FY 2011/12			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 12/31/2011	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,583,478	1,947,334	966,645	1,990,000	(42,666)
Salary & Wages (Stat Exempt)	83,342	89,607	51,768	91,200	(1,593)
Temp Help (907)(Seasonals)	14,224	7,105	0	0	7,105
Temp Help (915)(Proctors)	0	444	0	0	444
Board Memb (Per Diem)	12,500	12,900	6,200	12,900	0
Overtime	769	14,533	0	0	14,533
Totals Staff Benefits	808,258	936,926	487,177	840,000	96,926
Salary Savings		(98,132)			
TOTALS, PERSONAL SERVICES	2,502,571	2,910,717	1,511,790	2,934,100	(23,383)
OPERATING EXP & EQUIP					
Fingerprint Reports	47,511	34,454	11,313	48,000	(13,546)
General Expense	59,761	159,326	28,693	60,000	99,326
Printing	28,997	78,000	17,898	33,000	45,000
Communication	13,010	36,513	0	13,000	23,513
Insurance	0	325	0	0	325
Postage	82,685	108,009	41,486	80,000	28,009
Travel, In State	107,268	127,684	27,244	110,000	17,684
Travel, Out-of-State	1,000	0	15,308	40,000	(40,000)
Training	4,486	20,463	6,995	10,000	10,463
Facilities Operations	172,687	227,925	164,690	265,000	(37,075)
Utilities	0	4,330	0	0	4,330
C&P Services - Interdept.	0	14,939	0	0	14,939
C&P Services-External Contracts	1,117	110,978	300	50,000	60,978
DEPARTMENTAL PRORATA					
DP Billing (424.03)	389,238	463,594	0	463,594	0
Indirect Distribution Costs (427)	483,649	406,469	228,564	406,469	0
Public Affairs (427.34)	34,911	27,473	16,026	27,473	0
D of I Prorata (427.30)	16,490	16,058	9,367	16,058	0
Consumer Relations Division (427.35)	22,612	19,506	16,227	19,506	0
OPP Support Services (427.01)	0	490	0	0	490
Interagency Services (OER IACs)	200,565	325,065	91,276	297,483	27,582
Consolidated Data Services (428)	4,787	24,382	0	5,000	19,382
Data Proc (Maint,Supplies,Cont)	19,074	10,448	184,425	190,000	(179,552)
Statewide Pro Rata (438)	236,578	322,127	161,064	322,127	0
EXAM EXPENSES					
Exam Site Rental	90,109	99,630	17,221	99,630	0
Exam Contract (PSI) (404.00)	401,331	358,659	173,882	358,659	0
C/P Svs - Expert Examiners (404.01)	7,551	45,000	0	0	45,000
C/P Svs - External Subj Matter (404.03)	199,439	365,260	68,693	240,000	125,260
ENFORCEMENT					
Attorney General	965,443	801,588	464,299	940,000	(138,412)
Office of Admin. Hearing	167,825	154,926	61,896	154,926	0
Court Reporters	8,026	0	3,609	10,000	(10,000)
Evidence/Witness Fees	57,889	94,955	17,859	75,000	19,955
Division of Investigation	337,810	248,962	145,228	355,000	(106,038)
LPCC	214,625		150,291		
Minor Equipment (226)	24,145	42,300	16,018	17,000	25,300
Equipment, Replacement (452)	0	8,000	51,232	57,000	(49,000)
Equipment, Additional (472)	0	18,000	0	0	18,000
Vehicle Operations	0	19,000	0	0	19,000
TOTAL, OE&E	4,400,619	4,794,838	2,191,103	4,763,925	30,913
TOTAL EXPENDITURES	\$6,903,190	\$7,705,555	\$3,702,893	\$7,698,025	\$7,530

Reimbursements	FY 10/11 Actuals	Budget Alotment	Current as of 12/31/11
Fingerprints	(49,846)	(24,000)	(5,253)
Other Reimbursements	(12,685)	(26,000)	(5,700)
Unscheduled Reimbursements	(91,064)		(57,347)
Total Reimbursements	(153,595)	(50,000)	(68,300)

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

0773 - Behavioral Science Analysis of Fund Condition

Prepared 12/09/2011

(Dollars in Thousands)

FY 2012-13 Governor's Proposed Budget

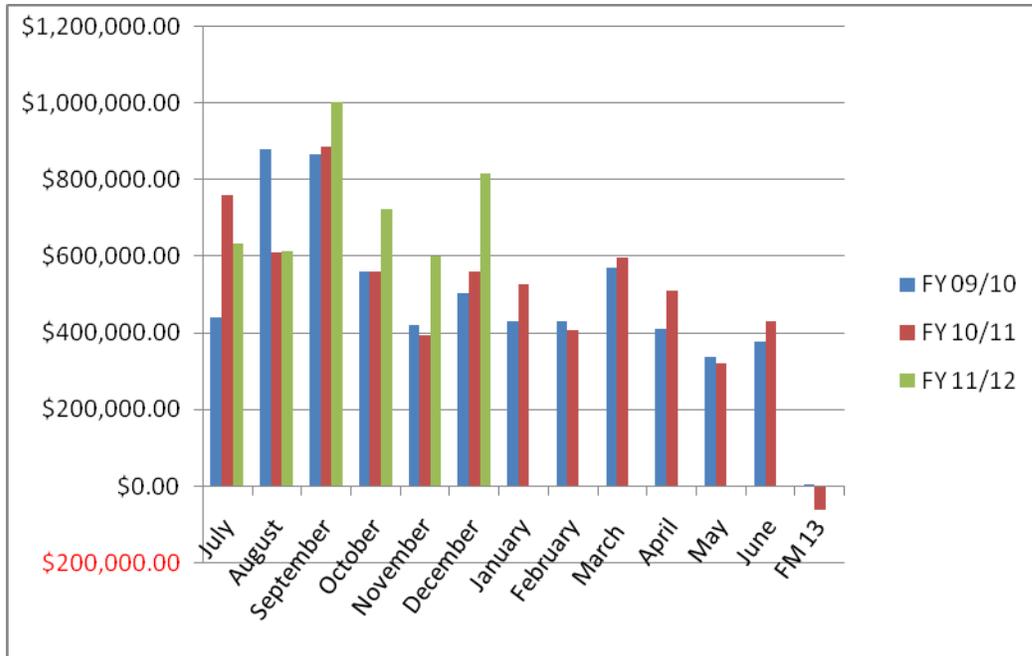
NOTE: \$6.0 M GF Loan (2002/03) \$3.0M (2008/09)
\$3.3M (2011/12)

	ACTUAL 2010-11	CY 2011-12	Governor's Budget BY 2012-13	BY +1 2013-14	BY +2 2014-15
BEGINNING BALANCE	\$ 4,889	\$ 4,528	\$ 2,126	\$ 3,260	\$ 2,243
Prior Year Adjustment	\$ 36	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,925	\$ 4,528	\$ 2,126	\$ 3,260	\$ 2,243
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 92	\$ 42	\$ 43	\$ 43	\$ 43
125700 Other regulatory licenses and permits	\$ 1,965	\$ 4,107	\$ 2,629	\$ 2,629	\$ 2,629
125800 Renewal fees	\$ 4,218	\$ 4,327	\$ 4,471	\$ 4,471	\$ 4,471
125900 Delinquent fees	\$ 58	\$ 69	\$ 81	\$ 81	\$ 81
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
150300 Income from surplus money investments	\$ 25	\$ 36	\$ 19	\$ 16	\$ 12
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
Totals, Revenues	\$ 6,366	\$ 8,589	\$ 7,251	\$ 7,248	\$ 7,244
Transfers from Other Funds					
F00683 Teale Data Center (CS 15.00, Bud Act of 2005)	\$ -	\$ -	\$ -	\$ -	\$ -
GF Loan Repayment (Budget Act of 2002)	\$ -	\$ -	\$ 2,000	\$ -	\$ -
Transfers to Other Funds					
T00001 GF loan per item, BA of 2008	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed GF Loan	\$ -	\$ -3,300	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 6,366	\$ 5,289	\$ 9,251	\$ 7,248	\$ 7,244
Totals, Resources	\$ 11,291	\$ 9,817	\$ 11,377	\$ 10,508	\$ 9,487
EXPENDITURES					
Disbursements:					
8860 FSCU (State Operations)	\$ 14	\$ 9	\$ 7	\$ -	\$ -
8880 Financial Information System for California		\$ 26	\$ 7		
1110 Program Expenditures (State Operations)	\$ 6,749	\$ 7,656	\$ 8,103	\$ 8,265	\$ 8,430
Total Disbursements	\$ 6,763	\$ 7,691	\$ 8,117	\$ 8,265	\$ 8,430
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,528	\$ 2,126	\$ 3,260	\$ 2,243	\$ 1,057
Months in Reserve	7.1	3.1	4.7	3.2	1.5

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2010-11 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

BBS Revenue Analysis



Month	FY 09/10	FY 10/11	FY 11/12
July	\$443,240.40	\$762,284.90	\$636,305.00
August	\$882,032.22	\$612,879.75	\$614,882.97
September	\$866,668.07	\$888,896.00	\$1,002,602.57
October	\$560,398.81	\$560,370.10	\$723,621.83
November	\$423,006.21	\$393,690.35	\$601,895.03
December	\$503,837.85	\$560,118.27	\$816,772.93
January	\$431,585.53	\$527,079.68	
February	\$430,200.00	\$409,637.17	
March	\$569,946.20	\$597,687.20	
April	\$411,491.57	\$512,561.91	
May	\$338,009.28	\$322,487.96	
June	\$378,260.00	\$432,003.03	
FM 13	\$6,175.21	(\$59,968.77)	

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Board Statistics

Attached for your review are the quarterly performance statistics. Processing times on the report reflect an average for the quarter.

Board Staffing

In November 2011, the Board was notified it was no longer subject to the provisions of the hiring freeze. Board staff moved quickly to fill its existing vacancies. To date, all vacancies have been filled with the exception of two positions in the Enforcement Unit. Interviews have been held for these two positions and the Board is awaiting hiring approval.

Licensing and Examination Program

Licensing Program

As of January 1, 2012, the licensing program is fully staffed for the first time since June 2010. Once the new staff is fully trained the Board anticipates a reduction in processing times in the coming months. The additional staff has allowed for the redirection of some of the less complex tasks associated with the evaluation of Marriage and Family Therapist examination eligibility applications to other staff. The goal is to significantly reduce the delays in the Marriage and Family Therapist exam eligibility process in the coming months.

The fourth quarter statistics reflect a decrease in application volume. Marriage and Family Therapist (MFT) Intern applications decreased by 44% and Associate Social Worker applications decreased 43% from the previous quarter. MFT examination eligibility applications decreased by 14.3% and Licensed Clinical Social Work examination eligibility applications decreased by 11%. Licensed Educational Psychologist applications decreased by 41%.

The Board's current processing times are noted below. Figures below reflect processing times as of January 31, 2012.

License type	Current Processing Times	Previous report Processing Times	Increase/Decrease
MFT Intern	83 days	63 days	+ 20 days
MFT Examination	180 days	160 days	+ 20 days
ASW	85 days	61 days	+ 24 days
LCSW Examination	91 days	92 days	- 1 day
LEP Examination	91 days	81 days	+10 days
CE Provider	81 days	91 days	- 10 days

Examination Program

A total of 2059 examinations were administered in the fourth quarter. Ten examination development workshops were conducted in October and November. The Board utilizes over 300 licensees as Subject Matter Experts to develop its examinations. A recent change in law now requires the Board to initiate a contract with each of these Subject Matter Experts for this work. Board staff worked extensively to ensure that a contract for each Subject Matter Expert was obtained by December 31, 2011.

Efforts to implement the examination restructure have begun. Board staff is working with the Office of Professional Examination Services to ensure a seamless transition. Additionally, Board staff is working with the BreEZe team to ensure the modifications necessary in the BreEZe database system are incorporated. The examination restructure is effective January 1, 2013.

Administration Program

The cashiering unit is fully staffed. As a result, processing times for renewal applications have been reduced from 29 days to 7 days. Application processing times have been reduced from 35 days to 11 days.

Enforcement Program

The manager and the special investigator position remain vacant. Interviews were conducted and we are waiting for hiring approval from DCA and the Department of Personnel Administration for these positions. The consumer complaint intake position was recently filled as well as the fingerprint technician position. During the time period in which these positions were vacant existing enforcement staff assumed many of these duties in addition to their own workload. The additional staff provides for a more equitable distribution of the enforcement unit workload.

Enforcement staff continues to meet or exceed the established performance measures (PM) with the exception of PM 4, Formal Discipline. DCA established the performance target for PM 4 at 540 days (18 months). The current quarterly average is 960 days. This performance target is dependent upon the staffing and workload of outside agencies, such as the Attorney General's Office (AG) and the Office of Administrative Hearings.

BreEZe

Implementation of the BreEZe system for the Board is scheduled for August 2012. In preparation for the implementation Board staff continues to meet with the BreEZe team and the vendor to ensure our business processes are accurately reflected in the new database system. Board staff completed its review of the database profile on February 17th. Testing is scheduled for late spring.

The Board staff has worked with the BreEZe team to incorporate many of the program changes that will be implemented in 2013. These changes are at an additional cost to the Board as they were not in place at the time bids were requested for the BreEZe project. This process involves working with the BreEZe team, the vendor, and securing approval from the BreEZe Change Control Board. Thus far, the Board has secured approval for all submitted changes.

Customer Satisfaction Survey

The fourth quarter reflects an improvement in overall satisfaction, accessibility, and courtesy. The successful service rating dropped from the third quarter but is higher than last year's rating.

Category	Current Quarter Rating (4 th Qtr.)	Previous Quarter Rating (3rd Qtr.)	Prior Year Rating (4 th Qtr.)
Overall Satisfaction	2.6	2.5	2.4
Successful Service	41	42.0	35
Accessibility	2.3	2.1	2.0
Courtesy	3.5	3.5	3.5

Sunset Review Update

The Senate Committee on Business, Professions, and Economic Development has set March 19, 2012 as the date for the Board's Sunset Review hearing.

Financial Integrity and State Manager's Accountability Act (FISMA) Report

At the November 2011 Board meeting staff reported that the Board would provide information to the Department of Consumers Affairs (DCA) to include in the biennial FISMA report. Previously, DCA submitted this information on behalf of the Boards and Bureaus. The biennial FISMA report is intended to provide information regarding potential risks that may prevent the Board from fulfilling its mandate.

In its November 11, 2011 report, Board staff identified the implementation of BreEZe, lack of sufficient resources to accomplish the Board's work, and implementation of the examination restructure as potential risks. The Board also identified steps it will use to mitigate these potential risks. These steps include working with the BreEZe team to ensure the impact to stakeholders and board operations is minimal.

The Board's potential risks appear to be similar concerns for other Boards and Bureaus. In the December 31, 2011 report, DCA identified staff resources, enforcement, the implementation of BreEZe, and appropriate budget funding as potential risks for its Boards and Bureaus. DCA also provided information regarding the steps in process to mitigate these risks.



Board of Behavioral Sciences Quarterly Statistical Report - as of December 31, 2011

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 (Q111 = 1/2011-3/2011; Q211 = 4/2011-6/2011). Common abbreviations for licensees and registrants: LCSW = Licensed Clinical Social Worker; LEP = Licensed Educational Psychologist; LMFT = Licensed Marriage and Family Therapist; LPCC = Licensed Professional Clinical Counselor; 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. Approximately 85% of renewal processing occurs in the Department of Consumer Affairs Central Cashiering Unit.

Renewals Processed In-House

Sparkbars (Current Val) (Low/High)



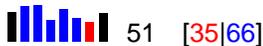
	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
Processed	1509	1571	1898	1587	1581	2267	1892	2401	14706
Received	1336	1374	1665	1487	1124	2015	1814	1197	12012
Proc Time	11	12	8	10	22	23	18	29	17

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



	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
Processed	4624	5161	5864	4696	4279	5650	5143	7618	43035
Received	4752	5207	5742	4611	4512	5315	5399	6543	42081
Proc Time	6	6	6	10	12	9	12	11	9

Initial Licenses Issued*



	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
LCS	195	172	191	209	173	319	216	262	1737
LEP	14	12	36	12	13	20	28	18	153
MFT	314	352	342	409	221	456	267	315	2676
PCE	54	65	66	38	59	42	35	51	410

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

Enforcement Unit

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. The pending total is a snapshot of all pending items at the close of a quarter.

Complaint Intake *

Complaints	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
Received	265	247	261	242	210	259	237	222	1943
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0	0
Assigned for Investigation	264	247	261	242	210	259	237	222	1942
Average Days to Close or Assigned for Investigation	6	6	7	6	5	4	4	3	+
Pending	1	0	0	0	0	0	0	0	0

Convictions/Arrest Reports	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
Received	259	289	315	258	228	207	190	219	1965
Closed / Assigned for Investigation	259	290	315	258	228	208	190	219	1967
Average Days to Close	3	4	4	2	4	4	4	3	+
Pending	0	0	0	0	0	0	0	0	0

Investigation**

Desk Investigation	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
Assigned	523	537	576	500	438	467	428	441	3469
Closed	424	549	433	394	495	580	489	416	3364
Average Days to Close	104	91	115	124	135	140	163	125	+
Pending	596	583	707	813	752	634	568	590	568

Field Investigation (Non-Sworn)	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
Assigned	15	10	11	3	8	1	2	3	50
Closed	9	11	24	14	10	14	4	3	86
Average Days to Close	380	424	371	372	386	416	481	332	+
Pending	55	53	42	30	28	17	12	12	12

Field Investigation (Sworn)	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
Assigned	1	3	9	6	2	12	5	6	38
Closed	7	6	4	6	4	6	8	6	41
Average Days to Close	786	591	927	518	362	450	582	294	+
Pending	20	17	22	20	18	24	21	20	21

All Investigations	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
First Assignments	526	537	576	500	438	467	428	441	3472
Closed	440	566	461	414	509	600	501	425	3491
Average Days to Close	119	103	135	138	142	149	172	129	+
Pending	671	653	771	863	798	675	601	622	601

Enforcement Actions

This section does not include subsequent discipline on a license.

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	YTD
AG Cases Initiated	20	29	35	19	22	41	37	16	203
AG Cases Pending	147	147	153	155	138	157	163	160	163
SOIs Filed									
SOIs Filed	7	6	4	3	8	2	7	6	37
Accusations Filed									
Accusations Filed	12	26	27	17	18	14	24	18	138
Proposed/Default Decisions Adopted									
Proposed/Default Decisions Adopted	3	5	11	11	12	5	11	2	58
Stipulations Adopted									
Stipulations Adopted	6	18	12	11	12	14	16	15	89
Disciplinary Orders									
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	9	23	23	22	24	19	27	17	147
Average Days to Complete***	799	743	792	729	911	776	855	960	+
Citations									
Final Citations	41	75	20	18	9	15	14	11	192
Average Days to Complete****	88	89	294	293	306	269	288	262	+

Complaint Intake *

Complaints Received by the Program. Measured from date received to assignment for investigation or closure without action.

Investigations **

Complaints investigated by the program whether by desk investigation or by field investigation. Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action. If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation. If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Disciplinary Orders Average Days to Complete ***

Measured by the date the complaint is received to the date the order became effective.

Citations ****

Measured by the date the complaint is received to the date the citation was issued.

+ unable to capture average data for more than a 12 month cycle

Licensing Unit

The Board's Licensing Unit evaluates applications for registration and examination eligibility. This involves verifying educational and experience qualifications to ensure they meet requirements defined in statute and regulation.

LMFT Examination Eligibility Applications

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
 450 [450 550]	477	550	504	455	502	500	525	450	3963
 436 [301 506]	450	506	341	301	341	367	489	436	3231
 176 [67 176]	80	67	83	116	149	161	170	176	125
 158 [49 158]	55	49	56	87	117	137	155	158	102

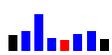
LPCC Examination Eligibility Applications (Traditional Path)

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
Received								17	17
Approved								0	0
Proc Time									
Proc Time Less Def Lapse									

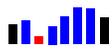
LPCC Grandparenting Applications

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
LMFT Received								1171	1171
LMFT Approved								0	0
LCSW Received								86	86
LCSW Approved								0	0
Non-BBS-Licensee Received								627	627
Non-BBS-Licensee Approved								0	0
Proc Time (All)									
Proc Time Less Def Lapse (ALL)									

LEP Examination Eligibility Applications

 17 [15|53]

 25 [12|33]

 91 [26|127]

 49 [13|49]

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total/Avg
Received	22	28	53	18	15	24	29	17	206
Approved	23	27	33	28	20	12	12	25	180
Proc Time	68	82	26	63	97	127	125	91	85
Proc Time Less Def Lapse	13	39	14	26	29	28	22	49	28

Examination Unit

The Board's Examination Unit processes complaints and performs other administrative functions relating to the Board's examination processes.

Exam Administration

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Total
Total Exams Administered	1795	2237	1988	2057	1887	2162	1809	2059	15994
LCSW Written	450	537	401	475	506	526	427	466	3788
LCSW CV	306	384	332	384	370	415	332	392	2915
LMFT Written	514	663	621	517	541	606	557	598	4617
LMFT CV	499	611	568	650	441	575	446	578	4368
LPCC GAP (LMFT)								2	2
LPCC GP L&E								0	0
LEP	26	42	66	31	29	40	47	27	308

Customer Satisfaction Survey

The Board maintains a Web based customer satisfaction survey.

	Q110	Q210	Q310	Q410	Q111	Q211	Q311	Q411	Avg
Overall Satisfaction ^a	3.4	3.1	3.6	2.4	2.9	2.9	2.5	2.6	2.9
Courtesy ^a	3.9	3.6	4.1	3.5	3.9	3.6	3.5	3.5	3.7
Accessibility ^a	3.2	2.9	3.5	2.0	2.6	2.7	2.1	2.3	2.7
Successful Service ^b	61	57	71	35	50	54	42	41	51
Total Respondents	213	178	176	132	172	118	134	115	155

^a Average rating based on 1-5 scale (1=Unacceptable, 5=Excellent)

^b Percent answered "Yes"

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Performance Measures

Q2 Report (October - December 2011)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q2 Total: 441

Complaints: 219 Convictions: 222

Q2 Monthly Average: 147



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days

Q2 Average: 3 Days



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 180 Days

Q2 Average: 120 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau, and prosecution by the AG)

Target: 540 Days

Q2 Average: 960 Days

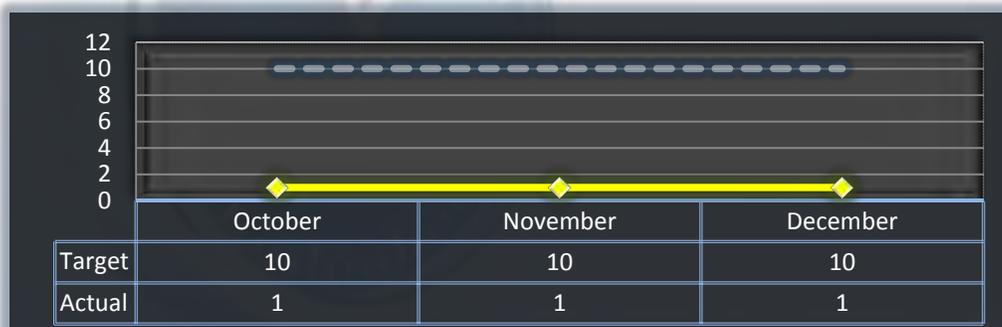


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 1 Day



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 7 Days

Q2 Average: N/A

The Board did not handle any probation violations this quarter.

Note: Cycle times are affected by the current hiring freeze and are subject to outside agencies workload and staffing constraints.

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To: Board Members

Date: February 13, 2012

From: Laurie Williams
Personnel Liaison

Telephone: (916) 574-7850

Subject: Personnel Update

New Employees

Effective November 21, 2011, Ellen Viegas' returned to the Board to fill a permanent full-time Office Technician (Typing) position in the Cashiering Unit. Ellen is responsible for cashiering license renewals and will also handle a wide array of other cashiering duties. Ellen had previously held a limited-term appointment with the Board as an Office Technician which expired on May 31, 2011.

Elizabeth (Lisa) Rangel accepted an Office Technician (Typing) vacancy in the Cashiering Unit effective December 1, 2011. Lisa is new to state service and serves as the ATS Cashier for the Board. She is also responsible for name changes and processing of duplicate licenses. Lisa was previously employed as an Office Assistant in the private sector. She also received an Honorable Discharge (End of Duty) from the United States Marine Corps where she served as an Aviation Technician.

Margaret Rockenbach joined the Board on January 1, 2012, to fill an Office Technician (Typing) position within the Enforcement Unit. Margaret's main duty is to provide clerical support to the Enforcement Unit staff. In addition, she is responsible for the completion of the initial review of consumer complaints received by the Board and to process petitions for reinstatement/early termination of probation requests. For the past eleven years, Margaret ran her own printing business prior to joining state service.

Crystal Lacy accepted the Office Technician (Typing) vacancy in the Enforcement Unit effective January 1, 2012. Crystal will serve as the Fingerprint Technician for the Board. Crystal transferred to the Board from the California Prison Health Care Services. She provided clerical support to the Medial Records Section.

Effective January 1, 2012, Melissa Lara transferred to the Board from the Board of Vocational Nursing (BVN). She is responsible for LEP Evaluations within the Licensing Unit. In addition, Melissa will provide backup to the front office and public counter. In her position with BVN she performed evaluations of Psychiatric Technician applications for licensure. She is currently pursuing a Bachelor's Degree in Criminal Justice at Sacramento State University.

Marc Mason has accepted the manager position for the Administrative/Exam Unit effective February 15, 2012. Marc has a Bachelor of Arts Degree in Government and began his state career with the Department of Education in 2003. Marc joined the Department of Consumer Affairs (DCA) legislative unit

in 2006 and has worked with BBS on a number of our legislative issues. He also recently completed a six month assignment as Acting Executive Officer for the Board of Guide Dogs for the Blind.

Departures

No departures to report at this time.

Vacancies

The Board has received the DCA Human Resources (HR) approval to our request to hire an additional Enforcement Manager to oversee the Consumer Complaint Investigations staff. However, DCA is currently under review by the Department of Personnel Administration (DPA) for the Staff Services Manager Classification Series. At this time, we are still awaiting approval from DPA in regards to this request. In the interim, Kim Madsen has completed the interview process to fill the additional Enforcement Manager position and has received approval to hire one of the top two candidates submitted to HR. Kim will extend a formal offer of employment to the chosen candidate once DPA approval is received.

The Board's Enforcement Manager recently completed interviews to fill the part-time Special Investigator (Non-Sworn) vacancy in the Enforcement Unit. We are currently awaiting approval of our hiring eligibility request for the top two candidates submitted to HR. Once HR hiring approval is received, the Enforcement Manager will extend a tentative offer of employment pending the modified background check completed by DCA's Division of Investigation.

Once each of these vacancies is filled, the Board will return to a full staff for the first time since June 2010.

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To: Board Members

Date: February 10, 2012

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: Licensed Professional Clinical Counselor Update

The grandparenting application period ended on December 31, 2011. A total of 3,433 grandparent applications were received. The Board has received 59 professional clinical counselor intern applications and 29 applications for licensure as a Licensed Professional Clinical Counselor.

As of February 6, 2012, 128 candidates were approved to take the GAP examination. Fifty-four (54) candidates were approved to take the Law and Ethics examination. Board staff continues its efforts to review all of the incoming applications and notify applicants as to the status of their application.

On January 4, 2012, the Board issued the first professional clinical counselor intern registration. A total of 5 have been issued since this date.

On February 3, 2012, the first Licensed Professional Clinical Counselor license was issued.

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To: Board Members

Date: February 10, 2012

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: Association of Social Work Boards National Examination Update

Background

At the November 4-5, 2010 Board meeting, the Board members discussed using the Association of Social Work Boards (ASWB) national examination as a licensure examination in California. The discussion included review of the Board's previous participation in this national examination and the results of a recent audit of the ASWB national examination that was conducted by Applied Measurement Services (AMS).

Following the discussion, the Board directed staff to move forward with negotiations with ASWB to utilize the national examination for licensure in California. Further, the Board directed staff to work with the Office of Professional Examination Services (OPES) and AMS to assess the contract details.

Update

Following the November meeting, Board staff contacted ASWB to express interest in utilizing the national examination for licensure in California. However, due to the implementation of the LPCC program, this project was placed on hold.

Recently, Board staff contacted ASWB to express our interest in resuming this project. As a first step, two meetings were held with ASWB representatives to discuss the format in which examination eligibility and examination results would be exchanged. Due to the implementation of BreEZe and the January 1, 2013 date for the examination restructure, the format for this exchange of information must be agreed upon so that it may be included in our design discussions with the vendor.

The two meetings resulted in an agreement as to the format for the exchange of information. This format will be presented to the BreEZe Control Board in a future meeting to obtain approval to incorporate this new business process in the BreEZe database system.

Next Steps

Board staff will begin the process of initiating the contract with ASWB to utilize the national examination for licensure in California. Additionally, the Board staff will work with OPES to develop a plan for an efficient transition to the national examination process.

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To: Board Members

Date: February 17, 2012

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7830

Subject: Continuing Education Committee Update

Continuing Education Committee members, Dr. Harry Douglas and Dr. Judy Johnson, will provide an update to the Board on the activities of the Continuing Education Committee.

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To: Board Members

Date: February 17, 2012

From: Tracy Rhine
Assistant Executive Officer

Telephone: (916) 574-7830

Subject: **Association of Marital and Family Therapy Regulatory Boards National Examination Update**

Dr. Tracy Montez with Applied Measurement Services, LLC, will provide an update on the Board's evaluation of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) national licensing examination.

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Applied Measurement Services, LLC

February 9, 2012

California Department of Consumer Affairs
Board of Behavioral Sciences
1625 N. Market Blvd., Ste. S-200
Sacramento, CA 95834

Dear Mrs. Madsen:

In response to your request, an update of the consulting services for evaluating the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) national licensing examination is being provided. This update is presented by Applied Measurement Services, LLC (AMS) for the Board of Behavioral Sciences (BBS) board meeting to be held on March 1, 2012 in Sacramento.

Since the update presented at the November 9, 2011 BBS board meeting, AMS made several requests to Dr. Lois Paff Bergen, AMFTRB Executive Director for examination-related documents such as the most recent job analysis report, examination development documents, passing score reports, test administration protocols, and security policies and procedures.

On January 24, 2012, Professional Examination Service, AMFTRB's examination vendor forwarded the requested documents and reports to AMS. Currently, AMS is reviewing these documents and developing follow up questions for the assessment process.

AMS has also met with the Office of Professional Examination Services to update technical staff assigned to the Marriage and Family Therapy (MFT) written examination program. The purpose of these meetings is to ensure good communication across all parties responsible for validation of the BBS MFT examination program and the outcome of the assessment process.

If you have questions about the information presented in this update, you may contact by mobile phone at 530.788.5346.

Sincerely,



Tracy A. Montez, Ph.D.
President

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To: Board Members

Date: February 17, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Limit on Telehealth Experience for Licensed Marriage and Family Therapist Applicants

Background

BPC Section 2290.5 defines telehealth as a means of delivering health care services and public health via information and communication technologies. For example, psychotherapy performed via the telephone or over the internet may both be considered telehealth.

Current law limits the number of experience hours that an applicant for licensure as a marriage and family therapist (LMFT) may gain performing services via telehealth as follows:

Business and Professions Code (BPC) Section 4980.43(a)(11)

Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

This statute is in conflict with California Code of Regulation (CCR) Title 16, Section 1833, pertaining to experience needed to qualify for LMFT licensure. Title 16, CCR Section 1833(a)(5) allows no more than 250 hours of experience counseling or crisis counseling on the telephone to count toward the experience required for licensure.

Staff believes that this regulation is outdated, as it only limits counseling via telephone and does not discuss counseling provided over the internet.

Proposed Change

Hours of experience that an applicant may gain via telehealth appears to be adequately addressed in BPC Section 4980.43. Therefore, staff believes the conflicting requirement in regulation is no longer needed, and proposes striking Title 16 CCR Section 1833(a)(5).

Recommendation

Conduct an open discussion of the proposed regulatory amendment. Authorize staff to make any non-substantive changes and pursue a regulation package to make the proposed amendment.

Attachments

Attachment A: Proposed Regulatory Amendment

Attachment B: Related Code Sections

APPENDIX A

PROPOSED REGULATORY AMENDMENT

§1833. EXPERIENCE

(a) In order for experience to qualify under Section 4980.40(f) of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

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

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.

(4) No more than two hundred fifty (250) hours of experience will be credited for administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes; except that for any person who enrolled in a qualifying degree program prior to January 1, 1990, no more than five hundred (500) hours of experience may be credited for such activities.

~~(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, no more than two hundred fifty (250) hours of experience will be credited for actual time spent counseling or crisis counseling on the telephone.~~

~~(6)~~(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43(d)(1) of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43(d)(2) of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log shall be in the form specified below and shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

[See Barclays Official California Code of Regulations for original illustration]

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), and 4980.42 through 4980.45, Business and Professions Code.

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APPENDIX B

RELATED CODE SECTIONS

Business and Professions Code (BPC) § 2290.5

(a) For purposes of this division, the following definitions shall apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means a person who is licensed under this division.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider at the originating site shall verbally inform the patient that telehealth may be used and obtain verbal consent from the patient for this use. The verbal consent shall be documented in the patient's medical record.

(c) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(d) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(e) All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to telehealth interactions.

(f) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(g) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, “telehealth” shall include “telemedicine” as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

BPC §4980.43

(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 doctoral degree.

(4) Not more than 1,300 hours of supervised experience obtained prior to completing a master’s or doctoral degree. The applicant shall not be credited with more than 750 hours of counseling and direct supervisor contact prior to completing the master’s or doctoral degree.

(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 may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of 1,000 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, “professional enrichment activities” include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

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

(9) For all hours gained on or after January 1, 2012, not more than 500 hours of experience in the following:

(A) Experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(B) Client centered advocacy.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For up to 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

(11) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

(12) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights. This subdivision shall only apply to hours gained on and after January 1, 2010.

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

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

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

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

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

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

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

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

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

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

(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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To: Board Members

Date: January 27, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Additional Items for 2012 Omnibus Bill

Upon review, staff has identified additional amendments to the Business and Professions Code (BPC) which are needed in order to add clarity and consistency to the Board's licensing laws. Although draft language for the 2012 omnibus bill has already been approved by the Board and submitted to the legislature, these additional changes, if approved, would be amended in to the omnibus bill.

1. Amend BPC Sections 4980.44 and 4980.48 – Addition of Licensed Professional Clinical Counselors (LPCCs) to List of Supervisors

Background: SB 363 (Chapter 384, Statutes of 2011), amended the law to allow LPCCs to supervise marriage and family therapist (MFT) interns if they meet specified additional training and education requirements (BPC §4980.03). BPC Sections 4980.44 and 4980.48 list the allowable supervisors of MFT interns and trainees, respectively, but LPCCs are not included in this list.

Recommendation: Amend Sections 4980.44 and 4980.48 to include LPCCs in the list of supervisors of MFT interns and trainees.

2. Amend BPC Sections 4980.78, 4980.80, and 4999.62 – Reference to Health Insurance Portability and Accountability Act

Background: Certain sections of the Board's licensing laws require coursework in California law and ethics that covers, among other topics, the Health Insurance Portability and Accountability Act (HIPAA).

During previous discussions of the 2012 omnibus bill at the October 13, 2011 Policy and Advocacy Committee Meeting and the November 9, 2011 Board Meeting, it was requested that reference to HIPAA in code sections 4999.32, 4999.57, 4999.58 and 4999.59 be removed and replaced with the term "state and federal laws related to confidentiality of patient health information." The reasoning for this is that HIPAA is a federal law which in the future could be repealed or replaced with a different title, therefore making the reference obsolete.

Amendments deleting the reference to HIPAA in Sections 4999.57, 4999.58, and 4999.59 and instead including the new reference term in Section 4999.32 have already been approved by the

Board. However, there are three other code sections in LPCC licensing law that also reference HIPAA.

Recommendation: Amend BPC Sections 4980.78, 4980.80, and 4999.62 to replace the reference to HIPAA with the term “state and federal laws related to confidentiality of patient health information.”

This amendment would be in addition to the amendments to 4980.78 and 4980.80 that have already been approved by the Board and submitted to the Legislature for inclusion in the 2012 omnibus bill.

3. Amend BPC Section 4999.76 – Continuing Education for Grandparented LPCC Licensees

Background: SB 274 (Chapter 148, Statutes of 2011) repealed the requirement that LPCC licensees who obtained their license through grandparenting and who were not already licensed by the Board as an LMFT or LCSW renew the license annually. However, Section 4999.76 still contains an annual continuing education requirement for these licensees, despite the annual renewal requirement being repealed.

Recommendation: Delete the requirement in Section 4999.76 that LPCC licensees who obtained their license through grandparenting and who were not already licensed by the Board as an LMFT or LCSW must complete 18 hours of annual continuing education. If this provision is deleted, these licensees would be required to show completion 36 hours of continuing education every two years upon license renewal, as is required of all other LPCC licensees.

Recommended Action

Conduct an open discussion regarding the proposed amendments. If the amendments are acceptable, direct staff to make any non-substantive changes to the proposed language, and submit to the Legislature for inclusion in the 2012 omnibus bill.

Attachment

Proposed language

**Board of Behavioral Sciences
Additional Items for 2012 Omnibus Bill**

AMEND §4980.44.

An unlicensed marriage and family therapist intern employed under this chapter shall comply with the following requirements:

- (a) Possess, at a minimum, a master's degree as specified in Section 4980.36 or 4980.37, as applicable.
- (b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (g) of Section 4980.43.
- (c) Prior to performing any professional services, inform each client or patient that he or she is an unlicensed marriage and family therapist registered intern, provide his or her registration number and the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, [licensed professional clinical counselor](#), licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.
- (d) (1) Any advertisement by or on behalf of a marriage and family therapist registered intern shall include, at a minimum, all of the following information:
 - (A) That he or she is a marriage and family therapist registered intern.
 - (B) The intern's registration number.
 - (C) The name of his or her employer.
 - (D) That he or she is supervised by a licensed person.
- (2) The abbreviation "MFTI" shall not be used in an advertisement unless the title "marriage and family therapist registered intern" appears in the advertisement.

AMEND §4980.48.

- (a) A trainee shall, prior to performing any professional services, inform each client or patient that he or she is an unlicensed marriage and family therapist trainee, provide the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, [a licensed professional clinical counselor](#), a licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.
- (b) Any person that advertises services performed by a trainee shall include the trainee's name, the supervisor's license designation or abbreviation, and the supervisor's license number.

(c) Any advertisement by or on behalf of a marriage and family therapist trainee shall include, at a minimum, all of the following information:

- (1) That he or she is a marriage and family therapist trainee.
- (2) The name of his or her employer.
- (3) That he or she is supervised by a licensed person.

Amend §4980.78

(purple highlight = already Board approved and included in 2012 omnibus bill)

(blue highlight = newly proposed and not yet Board approved)

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2014.

(b) For purposes of Sections 4980.72 and 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by an accrediting agency recognized by the United States Department of Education and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling.

(B) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant completes any units and course content requirements under subdivision (d) of Section 4980.36 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (l) of paragraph (2) of subdivision (d) of Section 4980.36.

(4) The applicant completes an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information~~the Health Insurance Portability and Accountability Act~~, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process.

(5) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

Amend BPC §4980.80.

(purple highlight = already Board approved and included in 2012 omnibus bill)

(blue highlight = newly proposed and not yet Board approved)

(a) This section applies to persons who apply for licensure between January 1, 2010, and December 31, 2013, inclusive.

(b) The board may issue a license to a person who, at the time of application, holds a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if all of the following requirements are satisfied:

(1) The person has held that license for at least two years immediately preceding the date of application.

(2) The education and supervised experience requirements are substantially the equivalent of this chapter.

(3) The person complies with Section 4980.76, if applicable.

(4) The person successfully completes the board administered licensing examinations as specified by subdivision (d) of Section 4980.40 and pays the fees specified.

(5) The person completes all of the following coursework or training:

(A) (i) An applicant who completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that does not meet the requirements of included areas of study as specified in Section 4980.41 as part of his or her qualifying degree shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, the following subjects: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information requirements of the Health Insurance Portability and Accountability Act of 1996, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to patients.

(ii) An applicant who has not completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree, shall complete a two semester or three quarter unit course in California law and professional ethics that includes, at minimum, the areas of study specified in Section 4980.41.

(B) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(C) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25 and any regulations promulgated thereunder.

(D) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(E) (i) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other requirements for licensure or in a separate course.

(ii) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(F) A minimum of a two semester or three quarter unit survey course in psychological testing. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(G) A minimum of a two semester or three quarter unit survey course in psychopharmacology. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(H) With respect to human sexuality, alcoholism and other chemical substance dependency, spousal or partner abuse assessment, detection, and intervention, psychological testing, and psychopharmacology, the board may accept training or coursework acquired out of state.

(c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

AMEND §4999.62.

(a) This section applies to persons who apply for examination eligibility or registration on or after January 1, 2014.

(b) For purposes of Sections 4999.60 and 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

(B) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(2) The applicant completes any units and course content requirements under Section 4999.33 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in behavioral addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (K) of paragraph (1) of subdivision (c) of Section 4999.33.

(4) The applicant completes, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33, an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, [state and federal laws related to confidentiality of patient health information](#)~~the Health Insurance Portability and Accountability Act~~, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients.

AMEND §4999.76.

(a) ~~(1)~~ Except as provided in ~~paragraph (2) and~~ subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

~~(2) Except as provided in subdivision (c), the board shall not renew a license issued pursuant to paragraph (1) of subdivision (a) of Section 4999.54 unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding year, as determined by the board. This paragraph shall become inoperative on January 1, 2018.~~

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional clinical counseling association, a licensed health facility, a governmental entity, a continuing

education unit of a four-year institution of higher learning that is accredited or approved, or a mental health professional association, approved by the board.

(e) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

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To: Board Members

Date: February 17, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Acceptance of Valid Passing Examination Scores

Background

SB 704 (Chapter 387, Statutes of 2011) restructures the examination process for the Board's Licensed Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker (LCSW), and Licensed Professional Clinical Counselor (LPCC) applicants beginning in 2013. Under the restructure, all applicants would be required to take and pass a California law and ethics examination and a clinical examination.

LPCC National Licensing Exams

For LPCCs, SB 704 specified that a valid passing score on the clinical examination must have been obtained less than seven years prior to the application date (Business and Professions Code (BPC) §4999.63). This was based on current law for LMFTs and LCSWs that require a passing score on the standard written exam be no more than seven years old in order to be eligible to participate in the clinical vignette exam.

LPCC statute gave the Board the discretion to choose whether to offer its own clinical examination or to use the National Clinical Mental Health Examination (NCMHCE). Based on an in-depth audit that found the NCMHCE met California examination standards, the Board chose to use the NCMHCE. The law now requires that a passing score on the NCMHCE must be obtained less than seven years from the date of the application, and within seven years of the first attempt.

LCSW and LMFT National Licensing Exams

The Board has accepted the Association of Social Work Boards (ASWB) Clinical Level Examination as the acceptable clinical examination for LCSW licensure. ASWB has committed to making the changes required by the Board. If the changes are made in time, the Board hopes to be able to begin offering the ASWB exam as the clinical exam when the exam-restructure takes effect on January 1, 2013.

The Board is beginning evaluation of the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) national exam to see if it would be suitable for future use as the clinical exam for LMFT licensure in California. The Board will continue to administer its own clinical exam for LMFT

licensure until the national exam is found to meet the prevailing standards for validation and use of licensing and certification tests in California, and the Board accepts the use of the exam.

Issue Regarding Age of Exam Scores

SB 704 did not place a limit on when a passing score on the clinical exam must have been obtained for LMFT and LCSW candidates, as long as it is passed within seven years of the initial attempt. It does not account for out of state applicants who passed the exam several years ago. For example, if the Board were to accept a national exam for LCSWs, an applicant could, under SB 704, apply using a passing exam score that was 10 years old, despite the fact that the Board has determined previous versions of that exam did not meet California standards.

The Board required applicants for LCSW licensure to take the national ASWB written clinical level examination, plus a California state oral examination, from October 19, 1991 until March 30, 1999. At that time, the Board determined the ASWB clinical examination did not meet California standards, and switched to requiring passage of both a State-administered written and a State-administered oral examination.

The Board has never accepted a national examination for LMFT licensure.

National Exam Acceptance in Other States

Board staff contacted ASWB, AMFTRB, and the National Board for Certified Counselors (NBCC), (which administers the NCMHCE), to determine if other states impose limits on the age of a passing exam score.

All three entities indicated that a majority of states accept their national examinations with no age restrictions.

Some states do impose age restrictions for applicants who do not hold current licensure in another state, as follows:

- In Massachusetts, passing scores of the NCMHCE exam are valid for five years for unlicensed individuals seeking a mental health counselor license. Passing scores of the ASWB exam are valid for two years for unlicensed individuals seeking licensure as a licensed independent clinical social worker. There is no age limit on exam scores for MFT applicants, although the state's board is looking in to adopting a limit.
- In Texas, passing scores of the NCE exam are valid for five years for unlicensed individuals seeking a professional clinical counselor license.
- In Illinois, an unlicensed individual must apply for licensure as a clinical social worker within one year of passing the required exam.

Individuals in these states who hold the license for which they are applying in another state may be granted reciprocity without further exam. Policies vary from state to state and depend on license types, but in general, the exam is waived if a license is current and in good standing and if the state accepts the exam they have already taken toward licensure, and/or if licensing standards in the other state are deemed substantially equivalent.

Policy and Advocacy Committee Meeting

The age of exam score issue was discussed at the January 26, 2012 Policy and Advocacy Committee meeting. As part of this discussion, the committee directed staff to examine licensing laws and regulations in the states of Massachusetts, Texas, and Illinois, for any age limits imposed on

national examinations for LMFTs, LCSWs, and LPCCs. Staff was also directed to draft language based on the Massachusetts law which combines a time limit on age of exam scores for non-licensed applicants to ensure competency to practice, while at the same time allowing some portability of exam scores for out-of-state licensees who are currently licensed and in good standing in another jurisdiction.

Key Points to Consider

The purpose of a licensing examination is to measure a candidate's competency in performing a given profession. Competencies can change over time based on the changing needs of the population. Typically, an occupational analysis is performed every five years to ensure that an examination is still measuring the needed competencies. The Board may want to consider the following when discussing this issue:

- The degree to which the profession has changed over time;
- Whether the exam, at any point in the past, still accurately measures the competency needed to practice in the present environment; and
- The best way to achieve balance between accurate measurement of competency, and fairness to the applicant.

Recommendation

Conduct an open discussion regarding the proposed amendments in Attachment A. Direct staff to make any decided-upon changes to the amendments and submit to the Legislature for inclusion in the Board omnibus bill.

Attachments

Attachment A: Proposed Amendments

Attachment B: Age of Exam Score Policies in Other States

Attachment C: State of Massachusetts Statutes and Regulations – Exam Scores

Attachment D: State of Texas Statutes and Regulations – Exam Scores

Attachment E: State of Illinois Statutes and Regulations – Exam Scores

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**ATTACHMENT A
PROPOSED AMENDMENTS**

LMFT LICENSING LAW

§4980.50. EXAMINATION; ISSUANCE OF LICENSE; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION; EFFECTIVE JANUARY 1, 2013

Effective January 1, 2013, the following shall apply:

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant, who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) Effective January 1, 2013, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the

current version of the California law and ethics examination.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

~~(h)~~(i) An applicant who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board may deem appropriate.

~~(i)~~(j) This section shall become operative on January 1, 2013.

§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS; EFFECTIVE JANUARY 1, 2014

(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2014.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4980.78. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(2) The applicant complies with Section 4980.76, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

(4) The applicant passes the ~~examinations required to obtain a license under this chapter.~~ California Law and Ethics Examination.

(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board; and

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that jurisdiction.

LCSW LICENSING LAW

§4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION; EFFECTIVE JANUARY 1, 2013

- (a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take an examination under this chapter.
- (b) Every applicant who is issued a clinical social worker license shall be examined by the board.
- (c) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.
- (d) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.
- (e) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.
- (f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaint against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, or the applicant has been denied in accordance with subdivision (b) of Section 485.
- (g) Effective January 1, 2013, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.
- (h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.
- (h)(i) This section shall become operative on January 1, 2013.

§4996.17. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

(a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes the [board-administered](#) licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(4) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(5) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(6) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes the ~~board-administered~~ licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(3) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(4) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(5) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(6) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

~~(d) An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without sitting for the clinical examination specified in Section 4996.1 if the applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.~~

~~(d) This section shall become inoperative on the date that Section 4996.1, as added by Section 4 of Assembly Bill No. 2167 of the 2009-10 Regular Session, becomes operative.~~

(e) This section is repealed as of the January 1 following the date that it becomes inoperative.

§4996.17. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA (EFFECTIVE JANUARY 1, 2014 ONLY IF BOARD ACCEPTS BY REGULATION THE ASSOCIATION OF SOCIAL WORK BOARD EXAM)

This section shall become operative on January 1, 2014, only if the board determines by December 1, 2013, by regulation, that the Association of Social Work Boards Clinical Level Exam administered by the Association of Social Work Boards meets the prevailing standards for validation and use of the licensing and certification tests in California:

(a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes ~~or has passed~~ the examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(4) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(5) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(6) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes ~~or has passed~~ the examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(3) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(4) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(5) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(6) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure by the board without sitting for the clinical examination specified in Section 4996.1 if the applicant obtained a passing score on the licensing examination set forth in

regulation as accepted by the board.

~~(d) This section shall become operative on the date that Section 4996.1, as added by Section 4 of Assembly Bill No. 2167 of the 2009-10 Regular Session, becomes operative.~~

LPCC LICENSING LAW

§4999.52. EXAMINATION; BOARD DETERMINATION; EXAMINATION ADMISSION DENIAL; EFFECTIVE JANUARY 1, 2013

(a) Except as provided in Sections 4999.54 ~~and 4999.56~~, every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) The board shall not deny any applicant who has submitted a complete application for examination admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(d) The board shall not deny any applicant whose application for licensure is complete admission to the examinations specified by paragraph (2) of subdivision (a) of Section 4999.53, nor shall the board postpone or delay this examination for any applicant or delay informing the candidate of the results of this examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(i) On and after January 1, 2013, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

(j) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

~~(j)~~(k) No applicant shall be eligible to participate in the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination within seven years from his or her initial attempt. If the applicant fails to obtain a passing score within seven years of initial attempt, he or she shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

~~(k)~~(l) The provisions of this section shall become operative on January 1, 2013.

§4999.58. OUT-OF-STATE LICENSEE; EXAMINATION ELIGIBILITY; LICENSE HELD FOR AT LEAST TWO YEARS; EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013

(a) This section applies to a person who applies for examination eligibility between January 1, 2011, and December 31, 2013, inclusive, and who meets both of the following requirements:

(1) At the time of application, holds a valid license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States.

(2) Has held the license described in paragraph (1) for at least two years immediately preceding the date of application.

(b) The board may issue a license to a person described in subdivision (a) if all of the following requirements are satisfied:

(1) The education and supervised experience requirements of the other jurisdiction are substantially the equivalent of this chapter, as described in subdivision (e) and in Section 4999.46.

(2) The person complies with subdivision (b) of Section 4999.40, if applicable.

(3) The person successfully completes the examinations required by the board pursuant to paragraph (3) of subdivision (a) of Section 4999.50. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board; and

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and has not been revoked, suspended, surrendered,

denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that jurisdiction.

(4) The person pays the required fees.

(c) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter. The board shall consider hours of experience obtained in another state during the six-year period immediately preceding the applicant's initial licensure by that state as a licensed professional clinical counselor.

(d) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, if the applicant has completed the training or coursework required under subdivision (e) of Section 4999.32, and if the applicant completes, in addition to the course described in subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.32, an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, the Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients.

(e) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant's education meets the requirements of Section 4999.32. If the applicant's degree does not contain the content or the overall units required by Section 4999.32, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(1) The applicant's degree contains the required number of practicum units under paragraph (3) of subdivision (c) of Section 4999.32.

(2) The applicant remediates his or her specific deficiency by completing the course content and units required by Section 4999.32.

(3) The applicant's degree otherwise complies with this section.

(f) This section shall become inoperative on January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2014, deletes or extends that date.

§4999.59. OUT-OF-STATE LICENSEE; EXAMINATION ELIGIBILITY; LICENSE HELD FOR LESS THAN TWO YEARS; EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013

(a) This section applies to a person who applies for examination eligibility or registration between January 1, 2011, and December 31, 2013, inclusive, who meets both of the following requirements:

(1) At the time of application, holds a valid license described in paragraph (1) of subdivision (a) of Section 4999.58.

(2) Has held the license described in paragraph (1) for less than two years immediately preceding the date of application.

(b) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter, if the applicant complies with Section 4999.40, if applicable, and if the applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the board. The board shall consider hours of experience obtained in another state during the six-year period immediately preceding the applicant's initial licensure in that state as a professional clinical counselor.

(c) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, if the applicant has completed the training or coursework required under subdivision (e) of Section 4999.32, and if the applicant completes, in addition to the course described in subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.32, an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, the Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients.

(d) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant's education meets the requirements of Section 4999.32. If the applicant's degree does not contain the content or the overall units required by Section 4999.32, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(1) The applicant's degree contains the required number of practicum units under paragraph (3) of subdivision (c) of Section 4999.32.

(2) The applicant remediates his or her specific deficiency by completing the course content and units required by Section 4999.32.

(3) The applicant's degree otherwise complies with this section.

(e) An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board; and

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary

proceeding brought by the licensing authority of that jurisdiction.

~~(e)~~ (f) This section shall become inoperative on January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2014, deletes or extends that date.

§4999.60. OUT-OF-STATE LICENSEE; EXAMINATION ELIGIBILITY; EFFECTIVE JANUARY 1, 2014

(a) This section applies to persons who are licensed outside of California and apply for examination eligibility on or after January 1, 2014.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4999.62.

(2) The applicant complies with subdivision (b) of Section 4999.40, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board; and

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that jurisdiction.

~~§4999.63. MAXIMUM AGE OF PASSING EXAMINATION SCORE~~

~~(a) For applicants who submit an application for a license on or before January 1, 2013, a valid passing score on the examination referenced in subdivision (c) of Section 4999.52 shall have been obtained less than seven years prior to the application date.~~

~~(b) For applicants who submit an application for a license on and after January 1, 2013, a valid passing score on the examination referenced in paragraph (2) of subdivision (a) of Section 4999.53 shall have been obtained less than seven years prior to the application date.~~

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ATTACHMENT B
Summary of Age of Exam Score Policies in Other States

State	Policies Regarding Acceptance of Exam Score	Notes
<p><u>Massachusetts</u></p> <p>Marriage & Family Therapist</p> <p>Licensed Independent Clinical Social Worker</p> <p>Mental Health Counselor</p>	<p>No age limit specified.</p> <p>Must pass the clinical licensure exam administered by the Association of Social Work Boards (ASWB) not more than 2 years prior to date of application.</p> <p>Must pass the NCMHCE. Passing scores are valid for 5 years.</p>	<p>Individuals licensed in another state may not have to re-take the exam if their license is current and the Board has determined that the license is equivalent with the Board's requirements.</p> <p>Reciprocity may be granted without further exam if the applicant is currently licensed in another state and if that state requires a licensing exam administered by ASWB and whose other standards for licensure are deemed substantially equivalent by the Board.</p> <p>Individuals licensed in another jurisdiction may not have to re-take the exam if their license is current and the Board has determined that the license is substantially equivalent with the Board's regulations</p>
<p><u>Texas</u></p> <p>Marriage & Family Therapist</p> <p>Clinical Social Worker</p> <p>Professional Clinical Counselor</p>	<p>No expiration of exam scores.</p> <p>No expiration of exam scores</p> <p>If not an out of state licensee, the NCE exam must have been taken no more than 5 years prior to application date.</p>	<p>Accepts AMFTRB or State of CA MFT Exam</p> <p>If out of state licensee in good standing, then may not need to take exam if substantially equivalent experience.</p> <p>If out of state licensee in good standing then do not need to re-take examinations, if substantially equivalent</p>
<p><u>Illinois</u></p> <p>Marriage & Family Therapist</p> <p>Clinical Social Worker</p> <p>Professional Clinical Counselor</p>	<p>No age limit specified</p> <p>Applicant must apply for licensure within one year of passing the examination.</p> <p>Application process requirements must be completed within 3 years of the date of application.</p>	<p>If out of state licensee then do not need to re-take examinations, if substantially equivalent</p> <p>If out of state licensee then do not need to re-take examinations, if substantially similar</p> <p>If out of state licensee then do not need to re-take examinations, if substantially similar</p>

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**ATTACHMENT C
STATE OF MASSACHUSETTS
STATUTES AND REGULATIONS – EXAM SCORES**

Marriage and Family Therapists

Regulations: 262 CMR 3.02 Definitions: Licensure Examination. The examination for licensure as a marriage and family therapist shall be the "Examination in Marital and Family Therapy" developed by the Association of Marital and Family Therapy Regulatory Boards. The licensure examination is administered by the Board or its agent. For information on sites, dates, examination, and fees, contact the Board.

Regulations: 262 CMR 3.03 Licensure Eligibility Requirements

A candidate for licensure as a marriage and family therapist must meet the minimum requirements of 262 CMR 3.03.

(4) Achievement of a passing score on the licensure examination.

Regulations: 262 CMR 3.04: Reciprocity

The Board shall issue a license without examination to an applicant licensed as a professional in a comparable field in another state whose requirements for the license are determined by the Board to be equivalent to or exceed the requirements of the Commonwealth.

Policy 09-03: Policy on Reciprocity Applications for Licensed Marriage and Family Therapists

Effective June 1, 2009, the Board will evaluate each reciprocity application, individually, to determine whether the state, in which the applicant is licensed, has substantially equivalent or higher requirements as those required by the Regulations.

Mental Health Counselors

Regulation: 262 CMR 2.03: Licensure Eligibility Categories

A candidate for licensure as a mental health counselor must meet the requirements of 262 CMR 2.03(1) or (2):

(1) CCMHC (Certified Clinical Mental Health Counselor). A candidate applying under this category must provide satisfactory evidence that the candidate is currently a CCMHC in good standing with the NBCC (National Board for Certified Counselors);

(2) Non-CCMHC. A candidate who does not have current CCMHC certification must:

(a) meet the education/degree completion requirements described in 262 CMR 2.04, 2.05, and 2.06;

(b) meet the Post Master's clinical mental health field experience and supervision requirements described in 262 CMR 2.07; and

(c) achieve a passing score on the NCMHCE (National Clinical Mental Health Counselor Examination). Scores on the examination remain valid for a period of five years from the date the examination was taken.

Board Adopted Policy: Policy No. 09-02- Policy on Procedure for Reinstatement of Licensure after the Expiration of a License

Individuals previously licensed by the Board of Registration of Allied Mental Health and Human Service Professionals ("the Board") may be eligible for relicensure by the Board under the following conditions:

1. Individuals whose license has lapsed for less than five years are required to demonstrate successful completion of continuing education consistent with the Board's regulations for the period of time the license has lapsed and pay the licensing fees as applicable for the period of time the license has lapsed in addition to the renewal fee
2. Individuals whose license has lapsed for more than five years are required to demonstrate successful completion of continuing education as in (1) above, pay applicable fees as in (1) above, and successfully pass the appropriate licensing exam upon reexamination.

3. Exceptions to the reexamination requirement in (2) above include, but is not limited to,

- Individuals licensed in another jurisdiction, where the Board has determined that the license is substantially equivalent with the Board's regulations; and
- Rehabilitation Therapists and Educational Psychologists who hold a current state or national certification.
- The Board may also exempt from the examination requirement individuals who submit satisfactory proof that they were unable to renew their license in a timely manner due to illness and/or other extenuating circumstances.

Licensed Independent Clinical Social Workers

Regulation: 258 CMR 9.03: Licensure Requirements for Licensed Independent Clinical Social Worker (LICSW)

An applicant may be granted a license as a Licensed Independent Clinical Social Worker (LICSW) if he or she submits to the Board a properly-completed application for such licensure, accompanied by all of the following:

- (5) Satisfactory written or electronic documentation that he or she has passed the Clinical licensure examination administered by the Association of Social Work Boards, or its successor agency, or an equivalent examination as determined by the Board, not more than two years prior to the date of his or her application;

Regulation: 258 CMR 9.07 Licensure by Reciprocity

An applicant who is, or has been, licensed or registered as a social worker under the laws of another state, territory or political subdivision which is a member of the Association of Social Work Boards (ASWB) may be granted a license by the Board without taking the licensing examination otherwise required by 258 CMR 9.03 through 258 CMR 9.06 if:

(1) The educational and experience requirements for the license or registration held by that applicant in that other state, territory or political subdivision are substantially equivalent, in the opinion of the Board, to the educational and experience requirements for the level of licensure the applicant is seeking in Massachusetts, as set forth in the applicable provision of 258 CMR 9.03 through 258 CMR 9.06 above;

(2) The permissible scope of social work practice authorized by the license or registration held by that applicant in that other state, territory or political subdivision is substantially equivalent, in the opinion of the Board, to the permissible scope of practice for the level of licensure the applicant is seeking in Massachusetts, as set forth in the applicable provision of 258 CMR 12.01 through 258 CMR 12.04;

(3) The applicant obtained his or her license or registration in that other state, territory or political subdivision by passing a licensing examination which, in the opinion of the Board, is substantially equivalent to the licensing examination required for the level of licensure the applicant is seeking in Massachusetts as set forth in the applicable provision of 258 CMR 9.03 through 258 CMR 9.06 above; and

(4) The applicant's license or registration in that other state, territory or political subdivision is in good standing at the time of his or her application and has not been revoked, suspended, surrendered, denied, or otherwise restricted or encumbered as a result of any disciplinary proceeding brought by the licensing authority of that state, territory or political subdivision.

Regulation: 258 CMR 9.10 Application Procedures and Applicant Responsibilities

(5) Scores on the licensure examinations prescribed by the Board shall be valid for two years from the date on which the report of the score was issued to the applicant. Any applicant whose score on the applicable licensing examination is more than two years old shall be required to retake that examination in order to be licensed at that level.

Board Adopted Policy: Policy No. 06-07- Policy Regarding Examination Requirements for Reciprocity Applicants

The Board of Registration of Social Workers, pursuant to Section 132 of Chapter 112 of the General Laws of Massachusetts, provides for licensure by reciprocity to social workers licensed or registered under the laws of another state, territory or political subdivision of the United States. However, reciprocity is only granted if the standards of the registering or licensing state, territory or political subdivision of the United States are, in the opinion of the Board, substantially equivalent to the requirements of the Commonwealth of Massachusetts as set forth in Section 131 of Chapter 112 of the General Laws of Massachusetts. The Commonwealth of Massachusetts Board of Registration of Social Workers requires that licensees pass a licensing examination administered by the Association of Social Work Boards (ASWB). Consequently, it is the Board's policy that reciprocal licensure will be extended to those social workers who are currently licensed or registered in a state, territory or political subdivision of the United States under one of two circumstances:

1. The licensing or registering state, territory or political subdivision of the United States requires a licensing examination administered by the ASWB and whose other standards for licensure are, in the opinion of the Board, substantially equivalent to the licensing requirements of the Commonwealth of Massachusetts, as found in Section 131 of Chapter 112 of the General Laws; or
2. The licensing or registering state, territory or political subdivision of the United States does not require a licensing examination administered by the ASWB, but the applicant for reciprocal licensure has agreed to take

the appropriate ASWB administered licensing examination as a condition of becoming licensed by reciprocity, and whose other standards for licensure are, in the opinion of the Board, substantially equivalent to the licensing requirements of the Commonwealth of Massachusetts, as found in Section 131 of Chapter 112 of the General Laws.

**ATTACHMENT D
STATE OF TEXAS
STATUTES AND REGULATIONS – EXAM SCORES**

Marriage and Family Therapists

Statute: Texas Occupations Code Chapter 502, Section 502.2545. **WAIVER OF EXAMINATION FOR CERTAIN APPLICANTS.**

(a) The board may waive the requirement that an applicant for a license as a licensed marriage and family therapist pass the examination required by Section 502.254 if the applicant:

(1) is a provisional license holder under Section 502.259 and the board determines that the applicant possesses sufficient education and professional experience to receive a license without further examination; or

(2) holds a license issued by another licensing agency in a profession related to the practice of marriage and family therapy and the board determines that the applicant possesses sufficient education and professional experience to receive a license without satisfying the examination requirements of this chapter.

Rules: Texas Administrative Code Title 22, Section 801.174. Licensure and Jurisprudence Examinations.

(a) The board shall accept the national licensure examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the State of California marriage and family therapy licensure examination.

Licensed Professional Counselor

Rules: Texas Administrative Code Title 22, Section 681.72. Required Application Materials.

(f) An applicant must submit examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam along with proof of completion of the Texas Jurisprudence Exam. The National Counselor Exam must have been taken no more than five years prior to the date of application. The Texas Jurisprudence Exam must have been taken no more than two years prior to the date of application.

Rules: Texas Administrative Code Title 22, Section 681.112. Provisional Licensing.

(a) The board may grant a provisional license to a person who holds, at the time of application, a license as a counselor or art therapist issued by another state, territory, or jurisdiction that is acceptable to the board. An applicant for a provisional license must:

(1) submit an application and license fee;

(2) be licensed in good standing as a counselor or art therapist in another state, territory, or jurisdiction that has licensing requirements that are substantially equivalent to the regular licensing requirements of the Act and submit documentation of such licensure including a copy of the licensure file from the other state, territory or jurisdiction or from the National Credentials Registry and a letter of good standing; and

(3) have passed the required examinations.

(b) A provisional license is valid for 180 days or until the date the board issues a regular license or denies the provisional licensee's application for a license, whichever occurs first.

(c) The board shall issue a regular license to the holder of a provisional license if the board verifies that the provisional licensee has the academic and experience requirements for a regular license.

(d) The board shall consider only states, territories, and jurisdictions of the United States as acceptable for the purposes of provisional licensing.

Social Worker

Statute: Texas Occupations Code Chapter 505, Section 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS.

(a) Notwithstanding any other licensing requirement of this subchapter:

(1) the board may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the board under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and

(2) the board may issue a license to an applicant who is currently licensed in another state to independently practice social work if:

(A) after an assessment, the board determines that the applicant:

(i) demonstrates sufficient experience and competence;

(ii) has passed the jurisprudence examination conducted by the board under Section 505.3545; and

(iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and

(B) the applicant presents to the board credentials that the applicant obtained from a national accreditation organization and the board determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

Rules: Texas Administrative Code Title 22, Section 781.412. Examination Requirement.

(a) An applicant for licensure or specialty recognition must pass an examination designated by the board.

(b) When an applicant passes the examination, the individual has no more than one year from the date of passing the examination to complete the requirements for licensure, completing all documentation and paying all fees or the passing examination score will not longer count towards licensure.

(c) If an applicant fails the first examination, the individual may retake the examination no more than two additional times. An applicant who has failed the examination three times must request in writing to the board to retake the examination a fourth time. The board may order the applicant to complete one or more social work educational courses as a prerequisite to retaking the examination.

(d) An applicant who fails the examination must wait the required timeframe between examination administrations. The board or executive director may waive the waiting period if the applicant petitions in writing, justifying the waiver in accordance with board policy.

(e) If an applicant fails the examination on the fourth attempt, the person's application will be voided. The applicant will not be permitted to reapply for licensure for one year.

(f) The board may waive the examination for an applicant with a valid certificate or license from another state if the certificate or license was issued before January 1, 1986, if petitioned in writing.

(g) On the basis of a verified report from ASWB that an applicant has cheated on the examination, the application shall be denied.

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**ATTACHMENT E
STATE OF ILLINOIS
STATUTES AND REGULATIONS – EXAM SCORES**

Marriage and Family Therapist

225 ILCS 55/65) Marriage and Family Therapy Licensing Act. (from Ch. 111, par. 8351-65)

Sec. 65. Endorsement. The Department may issue a license as a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of his or her application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Clinical Professional Counselor

(225 ILCS 107/45) Professional Counselor and Clinical Professional Counselor Licensing Act.

Sec. 45. Qualifications for a license.

(b) Clinical professional counselor. A person is qualified to be licensed as a clinical professional counselor, and the Department shall issue a license authorizing the practice of clinical professional counseling to an applicant who:

- (1) has applied in writing on the prescribed form and has paid the required fee;
- (2) is at least 21 years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;
- (3) is a graduate of:
 - (A) a master's level program in the field of counseling, rehabilitation counseling, psychology, or similar degree program approved by the Department and has completed the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical counselor under the direction of a qualified supervisor subsequent to the degree; or
 - (B) a doctoral program in the field of counseling, rehabilitation counseling, psychology, or similar program approved by the Department and has completed the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical counselor under the direction of a qualified supervisor, at least one year of which is subsequent to the degree;
- (4) has passed the examination for the practice of clinical professional counseling as authorized by the Department; and
- (5) has paid the fees required by this Act.

Any person who has received certification by any State or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a clinical professional counselor license, and need not be examined further

(225 ILCS 107/70) Sec. 70. Endorsement.

The Department may issue a license as a licensed professional counselor or licensed clinical professional counselor, without the required examination, to (i) an applicant licensed under the laws of another state or United States jurisdiction whose standards in the opinion of the Department, were substantially equivalent at the date of his or her licensure in the other jurisdiction to the requirements of this Act or (ii) any person who, at the time of licensure, possessed individual qualifications which were substantially equivalent to the requirements of this Act. Such an applicant shall pay all of the required fees.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Clinical Social Worker

(225 ILCS 20/8) (from Ch. 111, par. 6358)

Sec. 8. Examination.

(1) The Department shall authorize examinations of applicants at such times and places as it may determine. Each examination shall be of a character to fairly test the competence and qualifications of the applicants to practice as a licensed clinical social worker or as a licensed social worker.

(2) Applicants for examination shall pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(3) (Blank).

(4) The Department may employ consultants for the purpose of preparing and conducting examinations.

(5) An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the examination scores shall be void and the applicant shall be required to take and pass the examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(225 ILCS 20/12.5) Clinical Social Work and Social Work Practice Act.

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of his or her licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay the required fees.

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To: Board Members

Date: February 17, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Code Uniformity

The Board of Behavioral Sciences (Board) is tasked with issuing and regulating four license types: Licensed Marriage and Family Therapists (LMFTs), Licensed Educational Psychologists (LEPs), Licensed Clinical Social Workers (LCSWs), and Licensed Professional Clinical Counselors (LPCCs). Each of these professions has its own licensing act within the Business and Professions Code (BPC).

Although there are many similarities across each profession's licensing law, the differing codes have evolved over time based on the unique differences and needs of each profession. In some cases, standardization in the law across the professions may help provide clarity and consistency to both licensees and consumers. In other cases, differences in the law may be needed in order to preserve the distinction between the professions.

At the January 26, 2012 Policy and Advocacy Committee meeting, there was a request for Board guidance regarding the uniformity of the code sections. Should it be a goal of the Board to make the code sections more uniform, or should the differences in codes be regarded as a part of the uniqueness of each profession? Are there any specific areas that could be made more consistent?

Current Legislative and Regulatory Efforts

When making legislative and regulatory changes, staff considers uniformity across the codes on a case-by-case basis. When changing one particular code for one license type, if it makes sense to make a change for all professions, then such an amendment is proposed. The Board is currently pursuing or has recently pursued several legislative and regulatory amendments which make the licensing laws more uniform:

1. SB 943 (Chapter 350, Statutes of 2011) – This was last year's Board omnibus bill. It amended several code sections to include LPCCs where the Board's other license types were already included. It also made consistent changes to each code section regarding number of registrants allowed for a supervisor.
2. SB 274 (Chapter 148, Statutes of 2011) – This bill added a definition of "engaging in practice" for each license type, as was already defined in LMFT law.

3. SB 704 (Chapter 387, Statutes of 2011) – This bill restructured the Board’s examination process for LMFT, LCSW, and LPCC applicants. A standard exam process was adopted for each of these three license types, setting up a pathway for the Board to possibly accept the national examination for each profession in the future.
4. Advertising Regulations – The Board is seeking a regulatory change to make advertising regulations more consistent among the professions. It would require all licensees to include a license or registration number in an advertisement (instead of just MFT interns and trainees as written in current law) and would clarify acceptable titles and abbreviations for each license type.
5. Supervisors of Associate Social Worker (ASW) Regulations – This current regulatory proposal seeks to require supervisors of ASWs be licensed for two years prior to commencing any supervision. This is already required for supervisors of MFT and Professional Clinical Counselor (PCC) interns.
6. 2012 Omnibus Bill – In this current legislative proposal, the Board is seeking to add a provision to the LPCC unprofessional conduct code section that it is unprofessional conduct to violate the law regarding patient access to records. This is already in the unprofessional conduct code sections of the Board’s other three license types.
7. Coursework in California Law & Ethics – The Board is currently proposing legislation that would require applicants for licensure as an LCSW to complete coursework in California law and professional ethics. This is currently required for LMFT and LPCC applicants.
8. The 90 Day Rule – The Board recently approved language for proposed legislation that would eliminate the 90 day rule for MFT and PCC intern applicants. The 90 day rule allows MFT and PCC intern applicants to count supervised experience hours gained toward licensure while waiting for the Board to grant registration as an intern, as long as they apply for intern registration within 90 days of the granting of their qualifying degree. There is no 90 day rule for ASW applicants; those applicants must wait to count supervised experience hours until they are registered with the Board.

Possible Future Areas of Focus

There are still several code sections which could be made more consistent across the professions. Some differences may exist for a reason, while others may be inadvertent differences made as the code sections have evolved separately over time. Below are some possible areas that may require examination:

1. Professional Experience Requirements – There are various differences in the hours of professional experience required for LMFT, LCSW, and LPCC applicants. For example:
 - a. LMFT applicants are required to obtain no more than 375 hours of counseling experience via telehealth (BPC §4980.43(a)(11), while LPCC applicants are limited to not more than 250 hours providing counseling via telephone (BPC §4999.46(b)(4). There is no similar provision in LCSW law.
 - b. LMFT law allows 1,300 hours of supervised experience prior to the granting of the masters degree (BPC §4980.43(a)(4), while LCSW and LPCC laws do not allow this (BPC §§4996.23(f), 4999.36(e)).
2. Supervision by a Licensee: LCSW licensing law requires at least 1,700 of the 3,200 hours of post-degree supervised experience be obtained under a LCSW (BPC §4996.23(a). There is no similar provision in LMFT or LPCC law.

Recommendation

Conduct an open discussion of Board policy regarding uniformity of the code sections, taking the following questions into consideration:

- Should uniformity of the codes be a goal, or should it be decided on a case by case basis?
- Are there any particular areas where the Board sees a need to make its code sections consistent that should be prioritized?

Direct staff to use Board direction when drafting future legislative and regulatory proposals and to seek changes identified as “priority” changes in the next legislative session (2013-2014).

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To: Board Members

Date: February 17, 2012

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Legislative Update

Board staff is currently pursuing the following legislative proposals:

Marriage and Family Therapist Trainee Practicum (SB 632, Emmerson)

Board sponsored SB 363 (Chapter 384, Statutes of 2011) became law on January 1, 2012. It allows a trainee to counsel clients while not enrolled in practicum only if the lapse in enrollment is less than 90 days and is immediately proceeded and followed by enrollment in practicum.

Because the requirement to be enrolled in practicum to counsel clients only applies to specified MFT trainees, (individuals that begin graduate study after August 1, 2012; individuals that begin graduate study before August 1, 2012 but do not complete that study before December 31, 2018; and, individuals that attend a graduate program that meets the enhanced requirements required by Business and Professions Code Section 4980.36) an exception from the requirement should have only applied to those specific MFT trainees. However, the effect of the language signed into law with SB 363 instead requires all trainees to be enrolled in practicum to counsel clients regardless of when that individual began graduate study.

This bill is an urgency measure which will amend this section of licensing law and restore the original intent of requiring only specified MFT trainees to enroll in practicum to counsel clients.

Law and Ethics Requirement for Social Work Applicants (Negrete McLeod, No Bill Number Assigned at This Time)

As part of the Board's examination restructure which becomes effective on January 1, 2013, each associate social worker (ASW) will be required to take and pass a California law and ethics examination. This bill proposal adds a requirement, similar to the ones in the LMFT and LPCC licensing laws, that an individual seeking ASW registration or LCSW licensure complete coursework in California law and ethics. This bill proposal was approved by the Board at its November 9, 2011 meeting.

MFT and PCC Interns: 90-Day Rule (No Bill Number Assigned at This Time)

Under current law, an applicant for marriage and family therapy (MFT) or professional clinical counselor (PCC) intern registration must apply for intern registration within 90 days of the granting of his or her qualifying degree in order to be able to count supervised experience hours gained toward licensure

while he or she is waiting for the Board to grant registration as an intern. This allowance in the law is commonly referred to as “the 90-day rule.” This bill proposal would delete the 90 day rule for MFT and PCC intern applicants, and instead require that they be registered with the Board as an intern before gaining any experience hours toward licensure. This bill proposal was approved by the Board at its November 9, 2011 meeting.

**Omnibus Legislation (Senate Business, Professions, and Economic Development Committee
(No Bill Number Assigned at This Time)**

This bill proposal, approved by the Board at its November 9, 2011 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

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To: Board Members

Date: January 27, 2012

From: Rosanne Helms
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Subject: Rulemaking Update

PENDING REGULATORY PROPOSALS

Title 16, CCR Section 1887.3, HIV/AIDS Continuing Education Course for LPCCs

This proposal revises current Board regulations to include LPCCs in the requirement to take a one-time, seven hour continuing education course covering the assessment and treatment of people living with HIV/AIDS. The Board approved the proposed text at its February 23, 2011 meeting and directed staff to submit a regulation package to make the proposed change. This rulemaking will be submitted to OAL for initial notice in early 2012.

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, 2008. Due to changes in regulations from the LPCC regulation package as well as other changes to the proposed text, staff obtained approval to a revised version of this rulemaking proposal at the August 18, 2011 Board meeting. This rulemaking will be submitted to OAL for initial notice in early 2012.

Title 16, CCR Sections 1870, 1874, Two-Year Practice Requirement for Supervisors of Associate Social Workers (ASWs)

This proposal, approved by the Board in June 2007, requires supervisors of ASWs to be licensed for two years prior to commencing any supervision. This rulemaking will be submitted to OAL for initial notice by in early 2012.

Title 16, CCR Sections 1803, 1845, 1858, 1881; Add Sections 1823, 1888.1, SB 1111 Enforcement Regulations

This proposal is part of an effort by DCA for healing arts boards to individually seek regulations to implement those provisions of SB 1111 and SB 544 (part of DCA's Consumer Protection Enforcement Initiative) that do not require statutory authority.

The intent of SB 1111, which failed passage in 2010, and SB 544, currently in the legislative process, is to provide healing arts boards under DCA with additional authority and resources to make the enforcement process more efficient. These regulations propose delegation of certain

functions to the executive officer, required actions against registered sex offenders, and additional unprofessional conduct provisions to aid in the enforcement streamlining effort.

This proposal was approved by the Board at its meeting on August 18, 2011. This rulemaking will be submitted to OAL for initial notice in early 2012.

Title 16, CCR Sections 1832.5, 1889.2, Technical and Nonsubstantive Regulatory Changes

This proposal makes technical and non-substantive amendments to current regulations that are needed due to recent statutory changes. This proposal was approved by the Board at its meeting on August 18, 2011 and will be submitted to OAL in early 2012.

Title 16, CCR Sections 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877; Add Section 1825, Regulations to Implement SB 704

This proposal revises current Board regulations in order to be consistent with the statutory changes made by SB 704 (Chapter 387, Statutes of 2011), which restructures the examination process for LMFT, LCSW, and LPCC applicants. This proposal was approved by the Board at its meeting on November 9, 2011 and will be submitted to OAL for initial notice in early 2012.

Title 16, CCR Section 1833, Regulations to Implement SB 363

SB 363 (Chapter 384, Statutes of 2011) limited the number of client-centered advocacy hours for a marriage and family therapist intern to 500 hours.

This proposal deletes a provision of Board regulations which conflicts with SB 363 and that is no longer needed due to the new legislative provisions enacted by SB 363. This proposal was approved by Board at its meeting on November 9, 2011 and will be submitted to OAL for initial notice in early 2012.

Title 16, CCR Section 1888 and Disciplinary Guidelines, Enforcement Regulations

This proposal makes several revisions to the Disciplinary Guidelines, which are incorporated by reference into Board regulations. This proposal was approved by the Board at its meeting on November 9, 2011 and will be submitted to OAL for initial notice in early 2012.

Title 16, CCR Sections 1820, 1820.1, 1820.2, 1820.3, Exemptions for Sponsored Free Health Care Events

As a result of AB 2699 (Chapter 270, Statutes of 2010), beginning January 1, 2011, health care practitioners licensed or certified in good standing in another state may be temporarily exempted from California licensing requirements under certain conditions. However, before this law can be implemented, regulations must be approved by each healing arts board under DCA which specify the methods of implementation. This proposal was approved by the Board at its meeting on November 9, 2011 and will be submitted to OAL for initial notice in early 2012.

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To: Board Members

Date: February 17, 2012

From: Rosanne Helms
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Telephone: (916) 574-7897

Subject: Deletion of the 90-Day Rule for LMFTs and LPCCs

Status of this Proposal

The Board approved the amendments contained in this proposal at its November 9, 2011 meeting and directed staff to seek Board-sponsored legislation. However, due to concerns raised by stakeholders, members of the Board have requested a second Board discussion to revisit the issue.

Background

Under current law, an applicant for marriage and family therapy (MFT) or professional clinical counselor (PCC) intern registration must apply for intern registration within 90 days of the granting of his or her qualifying degree in order to be able to count supervised experience hours gained toward licensure while he or she is waiting for the Board to grant registration as an intern (Business and Professions Code (BPC) §§ 4980.43(g), 4999.46(d)). This allowance in the law is commonly referred to as “the 90-day rule.”

There is no 90-day rule for applicants for associate social worker (ASW) registration. They may not gain supervised experience hours until registered as an ASW (BPC § 4996.23(f)).

The 90-day rule has been in Licensed Marriage and Family Therapist (LMFT) licensing law for many years. It is now in Licensed Professional Clinical Counselor (LPCC) licensing law, which was modeled after the LMFT law. Historically, the rule has assisted recent graduates in obtaining some of their supervised experience hours during the time they are waiting for their intern registration number. Before fingerprint processing was done electronically, there was sometimes a several month wait between the time an applicant graduated, and when he or she actually obtained an intern registration number. The 90-day rule allows the applicant to use any wait time to start gaining some of his or her supervised experience required for licensure, provided he or she submits an application to the Board within 90 days of the degree being granted.

On average, it currently takes the Board approximately 38 days to process MFT intern application and issue an intern registration number, if the application is complete. If there is any missing information (called deficiencies) then the Board notifies the applicant and the applicant has one year to provide the deficient information. Typically, applicants who are notified of deficiencies want to obtain their registration as soon as possible and therefore have an incentive to provide the Board with the deficient information quickly. MFT intern applications that have deficiencies take an average of 43 days to process.

Experience Gained Prior to Completion of Degree

One reason applicants for MFT intern registration have previously been allowed the 90 day rule is because they have already been gaining some supervised experience hours toward licensure while a student in their Master's or Doctoral degree program. LMFT licensing law allows a student to gain up to 1,300 hours of supervised experience prior to completion of their qualifying Master's or Doctoral degree (BPC § 4980.43(a)(4)). The original intent of the 90-day rule may have been to allow a trainee, once graduated, to opportunity to continue working in a setting after graduation, benefitting the graduate because he or she is still gaining credit for hours worked, and benefitting the patient by providing continuity of care.

The law does not allow applicants for LPCC or LCSW licensure to gain hours toward licensure while a student (BPC §§ 4999.36(e), 4996.23(f)). This makes the law inconsistent, as follows:

- **MFT interns:** Can gain hours while a trainee, 90-day rule applies.
- **ASWs:** Cannot gain hours while a student, no 90-day rule.
- **PCC interns:** Cannot gain hours while a trainee, 90-day rule applies.

Given the similar structure for gaining experience hours the Board requires of each type of applicant, a consistent policy across license types for counting experience hours will increase clarity for applicants, schools, and ultimately consumers.

Exempt Setting

An applicant gaining hours under the 90-day rule while waiting for his or her MFT or PCC intern registration may only obtain supervised experience in an exempt setting. An exempt setting may be a governmental entity, a school, college, or university, or an institution that is nonprofit and charitable. However, due to liability issues and billing requirements, even many exempt settings require an intern registration number prior to hiring.

Need for This Bill

- Consumer Protection

There are concerns that the 90-day rule allows an applicant to practice unlicensed and outside of Board jurisdiction while temporarily bypassing the Board's enforcement process.

Under the 90-day rule, an applicant who has a previous conviction can submit an application for intern registration within 90 days of the degree being granted. They then have up to one year to submit their conviction records (considered a deficiency) to the Board for review. Although most submit the information quickly, an applicant with a serious conviction will occasionally try to delay, taking their one year period to submit the requested information. Occasionally, they also decide during this time period that they want to abandon their application. However, because they have followed the 90-day rule, they may then gain supervised experience without any restrictions the Board might place on them due to their prior conviction. Once the Board's enforcement division obtains the conviction information and decides to deny or restrict the registration, they have already been gaining experience hours toward licensure.

In addition, if a consumer or the supervisor were to file a complaint against such a practitioner, the Board would have no jurisdiction to investigate the complaint and take action, as they are not yet a registered intern.

- Decreased Processing Times

The 90-day rule was put into place many years ago when applicants for licensure were required to submit fingerprints on paper cards (called "hard cards") to the Board so that their criminal

background could be checked. These hard cards were then processed by the Board and then physically sent to the Department of Justice (DOJ) and then to the FBI so that a background check could be performed by both of these agencies. This entire process could take up to three months before the Board received the results.

Today, the Board uses Livescan fingerprinting, which is an electronic fingerprinting system. An applicant submits electronic fingerprints, which are then sent to the DOJ and the FBI for the background check. The Board now receives the results of electronic fingerprints in approximately three to seven days.

The adoption of Livescan fingerprinting has significantly decreased the time it takes for the Board to process an application. Therefore, requiring an applicant to wait to gain hours until they are issued a registration number (currently 38-43 days on average) is now less cumbersome than in the past, when it would be a several month wait just to get the hard card fingerprinting results.

- **Board Mandate**

BPC Section 4990.16 states the following:

“Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

Allowing a practitioner to bypass the enforcement process, and to practice outside the jurisdiction of the Board while gaining hours for Board licensure may be contrary to the public protection mandate.

Policies in Other States

Staff conducted a survey of nearby states to see if applicants for MFT intern or associate registration are allowed to gain hours toward licensure before the actual registration is issued. All of the states surveyed required an intern or associate registration to be issued before any experience hours can be gained toward licensure. The results of this survey can be found in Attachment C.

Recommendation

Conduct an open discussion of concerns related to the deletion of the 90-day rule for MFT and PCC intern applicants.

Attachments

Attachment A: Proposed Amendments

Attachment B: Reference Code Sections

Attachment C: Policies of Other States

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Attachment A
Proposed Amendments

Licensed Marriage and Family Therapist

§4980.43

(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 doctoral degree.

(4) Not more than 1,300 hours of supervised experience obtained prior to completing a master's or doctoral degree.

The applicant shall not be credited with more than 750 hours of counseling and direct supervisor contact prior to completing the master's or doctoral degree.

(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 may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of 1,000 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, "professional enrichment activities" include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

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

(9) For all hours gained on or after January 1, 2012, not more than 500 hours of experience in the following:

(A) Experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(B) Client centered advocacy.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For up to 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

(11) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

(12) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

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

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

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

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

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

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

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

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

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

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

(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(g) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the intern registration by the board. Postdegree experience shall not be gained until the applicant has been registered as a marriage and family therapist intern.~~

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

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

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

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

Licensed Professional Clinical Counselor

§4999.46.

(a) To qualify for licensure, applicants shall complete clinical mental health experience under the general supervision of an approved supervisor as defined in Section 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks) which shall include:

- (1) Not more than 40 hours in any seven consecutive days.
- (2) Not less than 1,750 hours of direct counseling with individuals or groups in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.
- (3) Not more than 500 hours of experience providing group therapy or group counseling.
- (4) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.
- (5) Not less than 150 hours of clinical experience in a hospital or community mental health setting.
- (6) Not more than a combined total of 1,250 hours of experience in the following related activities:
 - (A) Direct supervisor contact.
 - (B) Client centered advocacy.

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

(D) Not more than 250 hours of verified attendance at workshops, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

~~(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as an intern by the board. Postdegree experience shall not be gained until the applicant has been registered as a professional clinical counselor intern.~~

(e) All applicants and interns 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 professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed 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 in segments lasting no less than one continuous hour.

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

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Attachment B
Reference Code Sections

Licensed Marriage and Family Therapist

§4980.43

(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 doctoral degree.

(4) Not more than 1,300 hours of supervised experience obtained prior to completing a master's or doctoral degree.

The applicant shall not be credited with more than 750 hours of counseling and direct supervisor contact prior to completing the master's or doctoral degree.

(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 may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of 1,000 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, "professional enrichment activities" include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

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

(9) For all hours gained on or after January 1, 2012, not more than 500 hours of experience in the following:

(A) Experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(B) Client centered advocacy.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For up to 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

(11) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

(12) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

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

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

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

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

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

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

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

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

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

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

(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per

month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

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

Licensed Professional Clinical Counselor

§4999.36.

(a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."

(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of postdegree internship hours.

(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, "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 in segments lasting no less than one continuous hour.

§4999.46.

(a) To qualify for licensure, applicants shall complete clinical mental health experience under the general supervision of an approved supervisor as defined in Section 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks) which shall include:

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

(2) Not less than 1,750 hours of direct counseling with individuals or groups in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

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

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

(5) Not less than 150 hours of clinical experience in a hospital or community mental health setting.

(6) Not more than a combined total of 1,250 hours of experience in the following related activities:

(A) Direct supervisor contact.

(B) Client centered advocacy.

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

(D) Not more than 250 hours of verified attendance at workshops, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as an intern by the board.

(e) All applicants and interns 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 professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall

not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed 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 in segments lasting no less than one continuous hour.

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

Licensed Clinical Social Worker

§4996.23.

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. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(4) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(5) 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.

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

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(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.

Attachment C

Policies of Other States - Marriage and Family Therapy Applicants for Licensure

State	Are Applicants Allowed to Gain Hours Toward Licensure Before an Intern/Associate Registration is Issued?	Is There A Grace Period or Any Exceptions To This Rule?
Arizona	No - must be registered as an Associate to gain hours.	No
Colorado	No - must be registered as an MFT candidate to gain hours.	No
Nevada	No - must be registered as an Associate to gain hours.	No
Oregon	No - must be registered as an intern to gain hours.	No
Washington	No - must be registered as an associate to gain hours.	No

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