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## BOARD MEETING NOTICE August 21-23, 2013

**August 21-22, 2013**  
Department of Consumer Affairs  
Hearing Room, 1<sup>st</sup> Floor  
1625 North Market Blvd.  
Sacramento, CA 95834

**August 23, 2013**  
Department of Consumer Affairs  
Emerald Room  
1747 North Market Blvd.  
Sacramento, CA 95834

***Wednesday, August 21, 2013***  
**9:00 a.m.**

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

- I. Petition for Modification of Probation for Gregory Evans, ASW 35585
- II. Petition for Modification of Probation for L. Aaron Smith, ASW 33082
- III. Petition for Early Termination of Probation for Alyson Stack, MFC 53325
- IV. Suggestions For Future Agenda Items
- V. Public Comment for Items Not on the Agenda

### **FULL BOARD CLOSED SESSION**

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

### **FULL BOARD OPEN SESSION**

- VII. Adjournment



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

**Thursday, August 22, 2013**  
**8:30 a.m.**

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

**FULL BOARD CLOSED SESSION**

VIII. 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

**10:30 A.M. FULL BOARD OPEN SESSION**

- IX. Introductions\*
- X. Report from item VIII - Closed Session pursuant to Section 11125.2 of the Government Code
- XI. Approval of the May 22-23, 2013 Board Meeting Minutes
- XII. Executive Officer's Report
  - a. Budget Report
  - b. Operations Report
  - c. Personnel Update
  - d. BreEZe Update
  - e. LPCC Program Update
- XIII. Out-of-State Education Review Committee Update
- XIV. Policy and Advocacy Committee Report
  - a. Legislative Update
  - b. Rulemaking Update
- XV. Discussion and Possible Rulemaking Action Regarding Revision to the Board's Continuing Education Program
- XVI. Update on the California Marriage and Family Therapy Occupational Analysis and Collaboration with the Association of Marital and Family Therapy Regulatory Boards – Dr. Tracy Montez
- XVII. BreEZe Presentation
- XVIII. Office of Professional Examination Services Presentation – Amy Welch-Gandy and Nicole Woods
- XIX. 2014 Meeting Dates
- XX. Suggestions for Future Agenda Items
- XXI. Public Comment for Items Not on the Agenda
- XXII. Adjournment

\* *Introductions are voluntary for members of the public*

**Friday, August 23, 2013**

**8:30 a.m.**

**Department of Consumers Affairs, 1747 North Market Blvd., Emerald Room**

**FULL BOARD OPEN SESSION** - Call to Order and Establish a Quorum

XXIII. Strategic Planning Session with SOLID Planning Solutions

XXIV. Suggestions for Future Agenda Items

XXV. Public Comment for Items Not on the Agenda

XXVI. 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](http://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.

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## Board Meeting Minutes - **DRAFT** May 22-23, 2013

Embassy Suites Anaheim South  
11767 Harbor Blvd.  
Garden Grove, CA 92840

### **Wednesday, May 22nd**

#### **Members Present**

Dr. Christine Wietlisbach, Chair, Public Member  
Dr. Leah Brew, LPCC Member  
Deborah Brown, Public Member  
Eileen Colapinto, Public Member  
Betty Connolly, LEP Member  
Dr. Harry Douglas, Public Member  
Sarita Kohli, LMFT Member (arrived at 9:33 a.m.)  
Renee Lonner, LCSW Member

#### **Members Absent**

Samara Ashley, Public Member  
Karen Pines, Vice Chair, LMFT Member  
Patricia Lock-Dawson, Public Member  
Christina Wong, LCSW Member

#### **Staff Present**

Kim Madsen, Executive Officer  
Steve Sodergren, Asst. Executive Officer  
Dianne Dobbs, Legal Counsel  
Rosanne Helms, Legislation Analyst  
Christina Kitamura, Administrative Analyst

#### **Guest List**

On file

### **FULL BOARD OPEN SESSION**

Dr. Christine Wietlisbach, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:25 a.m. Christina Kitamura called roll, and a quorum was established. Board members and the Administrative Law Judge introduced themselves.

#### **II. Petition for Modification of Probation for Troy Nickell, IMF 70464**

David Roseman, Administrative Law Judge (ALJ), changed the schedule of the petition hearings. Troy Nickell's petition was heard first.

Judge Roseman opened the hearing at 9:27 a.m. Christina Thomas, Deputy Attorney General (DAG), represented the Board of Behavioral Sciences. Mr. Nickell was not represented by an attorney.

DAG Thomas presented the background of Mr. Nickell's probation. Mr. Nickell was sworn in. Mr. Nickell presented his request for modification of probation and information to support the request. DAG Thomas cross-examined Mr. Nickell. Board members also posed questions to Mr. Nickell. After Mr. Nickell answered all questions, Judge Roseman closed the hearing at approximately 10:01 a.m.

Sarita Kohli arrived during the petition hearing at 9:33 a.m. Judge Roseman informed Ms. Kohli that she will not participate in the vote of this particular matter during closed session.

David Roseman, ALJ, presided over the hearing. Christina Thomas, DAG, represented the Board of Behavioral Sciences. Maria Valle was not represented by an attorney.

**III. Petition for Modification of Probation for Maria Valle, IMF 67932**

David Roseman, ALJ, presided over the hearing. Christina Thomas, DAG, represented the Board of Behavioral Sciences. Maria Valle was not represented by an attorney.

Judge Roseman opened the hearing at 10:05 a.m. DAG Thomas presented the background of Ms. Valle's probation. Ms. Valle was sworn in. Ms. Valle presented her request for modification of probation and information to support the request. DAG Thomas cross-examined Ms. Valle. Board members also posed questions to Ms. Valle. After Ms. Valle answered all questions, Judge Roseman closed the hearing at approximately 10:52 a.m.

A recess was called at 10:53 a.m. The Board reconvened at 11:06 a.m.

**I. Petition for Early Termination of Probation for Patricia Lee, MFC 39362**

David Roseman, ALJ, presided over the hearing. Board member Dr. Leah Brew recused herself from this hearing because the petitioner participated in Dr. Brew's class. A quorum remained with the recusal. Christina Thomas, DAG, represented the Board of Behavioral Sciences. Patricia Lee was not represented by an attorney.

Judge Roseman opened the hearing at 11:06 a.m. DAG Thomas presented the background of Ms. Lee's probation. Ms. Lee was sworn in. Ms. Lee presented her request for early termination of probation and information to support the request. DAG Thomas cross-examined Ms. Lee.

Judge Roseman closed the record at 11:36 a.m. to handle administrative matters. The record was reopened at 11:39 a.m.

Board members posed questions. After Ms. Lee answered all questions, Judge Roseman closed the hearing at approximately 11:56 a.m.

**VI. Suggestions for Future Agenda Items**

Dr. Wietlisbach requested suggestions for future agenda items before entering into closed session. There were no suggestions.

**VII. Public Comment for Items Not on the Agenda**

Dr. Wietlisbach requested public comments before entering into closed session. There were no comments.

The Board took a break for lunch at 11:58 a.m. and reconvened in closed session at 1:00 p.m.

**FULL BOARD CLOSED SESSION**

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

**V. 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**

## **VI. Adjournment**

The Board adjourned immediately following the closed session.

**Thursday, May 23<sup>d</sup>**

**Members Present**

Dr. Christine Wietlisbach, Chair, Public Member  
Dr. Leah Brew, LPCC Member  
Deborah Brown, Public Member  
Eileen Colapinto, Public Member  
Betty Connolly, LEP Member  
Dr. Harry Douglas, Public Member  
Renee Lonner, LCSW Member  
Christina Wong, LCSW Member

**Staff Present**

Kim Madsen, Executive Officer  
Steve Sodergren, Asst. Executive Officer  
Dianne Dobbs, Legal Counsel  
Rosanne Helms, Legislation Analyst  
Christina Kitamura, Administrative Analyst

**Members Absent**

Samara Ashley, Public Member  
Sarita Kohli, LMFT Member  
Karen Pines, Vice Chair, LMFT Member  
Patricia Lock-Dawson, Public Member

**Guest List**

On file

**FULL BOARD OPEN SESSION**

**VII. Introductions**

Dr. Christine Wietlisbach called the meeting to order at 8:40 a.m. Christina Kitamura called roll, and a quorum was established. Board members, Board staff, and audience members introduced themselves.

**VIII. Approval of the February 27-28, 2013 Board Meeting Minutes**

Kim Madsen noted the following corrections:

Page 9 - Correct *9 month fund reserve* to 1.9 month fund reserve.

Page 15 – Correct *rational* to *rationale*.

Renee Lonner noted the following corrections:

Page 4 – Correct *one who substance abuse* to *one who abuses substances*.

Page 5 – Correct *maintaining structurally balanced budget* to *maintaining a structurally balanced budget*.

Page 11, last paragraph – Correct *an application shall not* to *an applicant shall not*.

Page 12, first paragraph – Correct *that could be made available to the candidate to that information could be made available to the candidate*.

Dean Porter, California Association for Licensed Professional Clinical Counselors (CALPCC), suggestion a correction on page 11, 5<sup>th</sup> paragraph: *an applicant could take three difference versions to an applicant could take three different versions*.

***Christina Wong moved to approve the minutes as amended. Dr. Harry Douglas seconded. Board voted (7 ayes, 1 abstention) to pass the motion.***

**IX. Chairperson's Report**

Dr. Wietlisbach stated that the Board will drop agenda item XVI b.

Dr. Wietlisbach announced the creation of two new committees: the Supervision Committee and the Out-of-State Education Review Committee. Dr. Leah Brew and Betty Connolly will serve on the Supervision Committee; Dr. Brew will chair this committee.

Patricia Lock-Dawson, Christina Wong, and Deborah Brown will serve on the Out-of-State Education Review Committee; Ms. Lock-Dawson will chair this committee.

Renee Lonner, Christina Wong, and Dr. Christine Wietlisbach will serve on the Policy and Advocacy Committee; Ms. Lonner will chair this committee.

## **X. Executive Officer's Report**

### **a. Budget Report**

Ms. Madsen reported that the 2012/2013 budget is \$8,077,669. As of March 31, 2013, the Board has spent \$5,289,333 reflecting 65% of the total budget, and collected a total \$5,880,835.95 in revenues. The Board's fund condition as of January 29, 2013 reflects a reserve balance of 1.9 months.

The Governor's proposed 2013/2014 budget projects the Board's 2013/2014 budget at \$8,063,000 and does not reflect any additional staffing.

The Board will exceed the Attorney General line item budget.

In mid May, the Department of Finance will release its May Revision adjustments. This document provides an update on the state's revenues and expenditures which allows the Governor to make the appropriate adjustments to the upcoming budget.

Although the receipt revenues thus far have exceeded projections, the Governor's priority to maintain a structurally balanced budget remains. Therefore, any significant changes in funding are unlikely.

Ms. Wong inquired on the status of the Board utilizing AARP-recruited individuals. Ms. Madsen confirmed that a member from AARP is currently working 20 hours per week in the office. This is a federally funded program, and the Board does not incur any cost for this service.

***Deborah Brown moved that agenda item XXII be heard before item XIII. Dr. Leah Brew seconded. The Board voted unanimously (8-0) to pass the motion.***

### **b. Operations Report**

Ms. Madsen reported that the Board has one vacancy in the Enforcement Unit and one position in the Licensing Unit. Efforts to fill these positions are underway.

The first quarter statistics reflect an overall decrease in application volume. However, the Licensed Clinical Social Worker (LCSW) and Licensed Educational Psychologist (LEP) examination applications increased 23% and 78% respectively. The next report, which will be provided at the August Board meeting, will reflect an increase in Marriage and Family Therapist Intern applications and Associate Clinical Social Worker (ASW) applications due to graduations.

The Marriage and Family Therapist (MFT) examination applications and LCSW examination applications reflect excessive delays in processing times due to lack of staffing. The Board recently hired a person to work in the LCSW licensing unit; however, the position is a half-time position. The Board is conducting interviews to fill a full-time MFT evaluator position.

A total of 2,090 examinations were administered in the first quarter. Sixteen examination development workshops were conducted January through March.

The cashiering unit is currently processing renewal applications within 7 days of receipt. All other applications are processed within 9 days of receipt.

The Enforcement staff received 228 consumer complaints and 200 criminal convictions, representing a 9% and 33% decrease respectively from the previous quarter. The Enforcement staff closed 433 cases this quarter and referred 23 cases to the Attorney General's office for formal discipline.

Enforcement staff continues to meet or exceed the established performance measures (PM) with the exception of PM 4, Formal Discipline. The Department of Consumer Affairs (DCA) established the performance target for PM 4 at 540 days (18 months). The Board's current quarterly average is 855 days. It is important to note that this performance measure relies on the efficiency of outside state agencies such as the Office of Attorney General and the Office of Administrative Hearings.

The first quarter reflects an increase in all categories of the Customer Satisfaction Survey from the last quarter as well as from the same period last year.

Dr. Wietlisbach inquired about the issues with answering phone calls received at the Board. Ms. Madsen gave a brief overview of the plans to address issues with phone calls. Staff will evaluate the phone system to ensure that it is functioning properly, as well as reminding staff the importance of answering phone calls and returning calls promptly.

Ms. Madsen reported that much of the feedback concerning accessibility to staff is that applicants cannot talk to a "live person" or voicemail boxes are full. Unfortunately, staff has been put in situations where they must choose to field a call or process an application. With staff triaging these situations, managers and executive staff have been fielding many calls to take that burden off of staff so that they can continue to process applications.

Ms. Brown suggested using resources, such as YouTube, to provide tutorials on how to complete applications and forms, thus reducing phone calls. Ms. Madsen stated that conversations have taken place with DCA regarding outreach videos on YouTube and on the Board's website; however, the current constraint is the lack of available resources, especially with the BreEZe project underway.

#### **c. Personnel Update**

Ms. Madsen provided an update on Board personnel.

Guillermo Tapia was hired in the Enforcement Unit as an Office Technician (OT), replacing Michelle Eernisse-Villanueva. The Board has decided to downgrade this vacancy from a Management Services Technician (MST) to an OT to better suit the current business needs of the Board. Guillermo will provide enforcement support to the Enforcement analysts.

Crystal Martinez, the Board's Fingerprint Technician, has left the Board. The Board is recruiting to fill this position. This was a full-time position which was reduced to a half-time position due to the Governor's budget letter.

#### **d. BreEZe Update**

Ms. Madsen reported that the efforts to launch the BreEZe database continue. In mid-April, boards and bureaus in Release 1 were notified that the May "go-live" date was not possible. Noting that the fiscal year end was nearing, DCA committed to the boards and bureaus that Release 1 will not launch in June.

Board staff continues to test the system and verify that the existing data will convert over correctly. The level of staff commitment to the BreEZe project has increased as a result of the reduction of time permitted to complete the BreEZe tasks. Numerous errors and corrections to

the database configuration have been identified. Board staff and DCA are firm in their resolve that BreEZe will not be released until its functionality is acceptable.

Dr. Harry Douglas requested a presentation of the BreEZe system and its functionality. He also requested a cost benefit analysis to implement and utilize the BreEZe system.

Ms. Lonner responded that since BreEZe is led by DCA, not the Board, perhaps DCA could provide the analysis.

Ms. Madsen also responded that at a previous Board meeting, DCA provided figures and the costs that each board/bureau will incur, which is based on licensee population. Ms. Madsen outlined the drivers to the BreEZe system:

- Current databases – it is a matter of time “when it fails.”
- Current databases and the programming to continue to make them operational are outdated.
- There is a strong need and desire from the Legislature and the public for standardized reporting for accountability purposes.
- Current databases do not have the capability to link boards/bureaus together in order to generate comparisons.
- Some boards/bureaus have the ability to allow licensees to renew licenses online; most boards/bureaus do not have this ability.

BreEZe will change all of the current issues Ms. Madsen outlined, allowing for more consistency and efficiency. A presentation will take place at the August Board meeting.

Janlee Wong, National Association of Social Workers California Chapter (NASW-CA), asked what the ideal timeframe is to process applications and renewals, and how many staff would be needed to reach those processing times.

Ms. Madsen responded that renewal processing has increased from 4 days to 7 days, due to a staff person within that unit taking part in BreEZe testing. As for examination eligibility applications, 30-60 days is a reasonable time frame. To achieve this benchmark, the Board would require one additional staff person in the MFT unit, one additional staff person in the LCSW unit, one additional MFT Intern evaluator, and one additional support staff person.

David Chinot, Director of the Social Work Department at California State University, Fullerton and California Association of Deans and Directors of Social Work Programs (CADD), expressed concerns from CADD regarding the time frame it will take for students to become registered. He also stated that CADD is willing to help with any advocacy on the Board's behalf to obtain additional resources.

#### **e. LPCC Program Update**

Ms. Madsen reported on the suspended LMFT Gap Exam, stating that the exam will become available on July 31<sup>st</sup>. Staff is currently notifying 669 candidates that were affected by the suspension.

It is taking approximately 6 weeks to evaluate a Professional Clinical Counselor Intern (PCI) application. The PCI evaluator is currently evaluating applications received in late March. To date, 140 PCI registrations and 381 LPCC licenses have been issued.

It is taking approximately 60 days to evaluate out-of-state traditional applications. Staff is currently evaluating applications received in March 2013.

The Board received 3,433 applications for the two grandparent programs.

The Board now has a total of 4 evaluators in the Licensed Professional Clinical Counselor (LPCC) Licensing Unit. Staff has made tremendous progress in the last few months resulting in a decrease in the estimated time it will take to complete the evaluations of the LPCC Grandparent applications.

## **XXII. Election of Board Members 2013-2014**

***Deborah Brown nominated Dr. Christine Wietlisbach for the position of Board Chairperson. Renee Lonner seconded. Dr. Wietlisbach accepted the nomination. The Board voted unanimously (8-0) to elect Dr. Wietlisbach as Board Chair.***

***Renee Lonner nominated Christina Wong for the position of Board Vice Chairperson. Dr. Leah Brew seconded. Ms. Wong accepted the nomination. The Board voted unanimously (8-0) to elect Ms. Wong as Board Vice Chair.***

## **XIII. Update on Examination Restructure and ASWB Contract**

### **a. Discussion and Possible Action Regarding Proposal to Delay Implementation of the Board's Examination Restructure**

Rosanne Helms reported that the Board is currently going through its examination restructure process for the LMFT, LPCC and LCSW licensees. The exam restructure requires applicants for licensure to pass two new exams: a California law and ethics examination and a written clinical examination. These new exams will replace the standard written and the clinical vignette exams currently in place. The effective date of the exam restructure is January 1, 2014.

Staff is concerned that if the BreEZe system needs to be delayed until fall or beyond, it would coincide too closely with the exam restructure effective date of January 1, 2014. In addition, if BreEZe were not operational on January 1, 2014, the exam restructure could not be implemented. The exam restructure changes are being programmed into the BreEZe system.

If BreEZe is not operational on January 1, 2014, the Board would not be able to continue to administer the current clinical vignette and standard written exams. The code sections granting the authority for the Board to administer these exams expire on January 1, 2014. In order to allow the Board the authority to administer the new exams, staff suggests that the implementation date of the exam restructure be extended to January 1, 2016.

Mr. Wong, NASW-CA, stated that NASW-CA has been informing potential applicants that the new exam would take effect in 2014. He is concerned about how he can inform people that there is a delay. He expressed concern regarding the lack of communication between the Board and the people who need to know. These people are currently preparing for the national exam.

Dr. Wietlisbach asked Ms. Madsen if an alert can be placed on the Board's website. Ms. Madsen responded that staff can update the website; however, until the legislation is signed, the proposed 2016 implementation date is not effective. Ms. Madsen urged the public to sign up on the Board's website subscriber list. She also stated that staff can work with the associations and the schools to get information out.

Mr. Chinot suggested sending information to him at CADD, and CADD will forward this information to the Social Work Departments/Schools of the California State University and the University of California systems.

***Christina Wong moved to direct staff to pursue legislation to change the implementation date of the exam restructure from January 1, 2014 to January 1, 2016. Renee Lonner seconded. The Board voted unanimously (8-0) to pass the motion.***

## **b. Update on ASWB Contract**

Ms. Madsen reported on the progress of the Association of Social Work Boards (ASWB) Contract.

As part of the upcoming examination restructure, the Board initiated the contract process to use ASWB national examination for licensure in California. However, due to the delays associated with BreEZe, the Board must postpone its examination restructure. Accordingly, the Board has suspended the contract process with ASWB.

Ms. Madsen contacted ASWB's Executive Director Mary Jo Monahan to inform Ms. Monahan of this recent development. Ms. Monahan was assured that the decision to postpone the Board's examination restructure and use of the ASWB national examination was an unforeseen delay. The Board remains committed to the examination restructure and use of the ASWB national examination. As the new date to implement the examination restructure nears, the contract process with ASWB will resume.

Ms. Monahan will attend the 2014 spring Board meeting to provide a presentation regarding the ASWB national examination.

## **XIV. Out-of-State Education Review Committee Update**

On April 26<sup>th</sup>, the Out-of-State Education Review Committee (Committee) held its first meeting. The Committee was established to consider the potential barrier to licensure that out-of-state applicants may face after January 1, 2014.

After January 1, 2014, out-of-state applicants are required to enroll and complete graduate level coursework to remediate educational deficiencies. These applicants are no longer able to remediate coursework deficiencies through continuing education classes. Consequently, an out-of-state applicant may incur several thousands of dollars to become licensed in California. It is estimated that the cost will exceed \$10,000.

The Committee, stakeholders, and Board staff discussed the current and future educational requirements as well as the current and future options to remediate coursework. From this discussion, areas of concerns were identified by the group. These concerns will be discussed at the upcoming meetings.

The committee will meet on June 28<sup>th</sup> and September 6<sup>th</sup>. Both meetings will be held at DCA's El Dorado Room in Sacramento.

Dr. Wietlisbach called for a break at 9:57 a.m. The Board returned at 10:18 a.m.

## **XV. Policy and Advocacy Committee Report**

### **a. Recommendation #1 - Support Assembly Bill 186, if amended**

Rosanne Helms presented AB 186, Temporary Licenses for Military Spouses. This bill would require a board within DCA to issue a temporary license to a spouse of a military member who is already eligible for an expedited license.

Currently, the law requires a board within DCA to expedite the licensing process for an applicant who is married to or in a domestic partnership with a member of the U.S. military who is assigned to active duty in California. The law also states that in order for the license to be expedited, the military spouse must hold a current license in another state in the same profession for which he or she is seeking a California license.

The bill allows the Board to conduct an investigation and a criminal background check of the applicant before issuing the temporary license. Before receiving the temporary license, the applicant must provide specified documentation.

The bill states that the temporary license expires after 12 months upon issuance or upon denial of the expedited license, whichever occurs first.

Ms. Helms explained that the Board does not currently have a temporary license status. An applicant who has an out-of-state license can submit an application for examination eligibility. As written, this bill requires that to obtain a temporary license, the military spouse must hold a current license in the same profession in another state. It does not require that the licensing requirements in the other state be substantially equivalent to the requirements in California; and it does not require that the applicant passes the required Board-administered exams.

Each applicant's education and experience is examined by the Board licensing evaluator during the review of the application. Bypassing this review and the requirement to pass an examination tailored to address the unique mental health environment in California, could jeopardize consumer protection.

This bill also raises concerns regarding continuity of care. This bill would create a temporary license that is valid for a 12-month period or until the expedited license is issued or denied, whichever occurs first. If the Board finds that the temporary licensee does not qualify for licensure, then the provisional license expires. In addition, if the applicant has not passed the required Board licensing exams during the 12-month period, then the temporary license would expire. If this happened, the applicant would no longer be able to see his or her patients.

In addition, staff is already experiencing licensing backlogs. Adding a new license type would increase staff workload, and therefore would likely create a need for new staff.

At its April 2013 meeting, the Policy and Advocacy Committee (Committee) recommended that the Board take a "support if amended" position on this bill. This bill was amended after the Committee meeting. The amendments narrowed the timeframe for a temporary license from 18 to 12 months. Other amendments that the Committee requested but were not added to the bill:

- An amendment requiring the applicant to provide a transcript to the Board;
- An amendment allowing delayed implementation to accommodate DCA's transition to the BreEZe database system; and
- An amendment requiring the applicant to pass the California law and ethics examination prior to issuance of a temporary license.

Dr. Leah Brew expressed concerns regarding law and ethics, and suggested an amendment to require an 18-hour continuing education course in California law and ethics.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), stated that AAMFT-CA took a position of "oppose unless amended." AAMFT-CA shares the same concerns with the Board.

Ms. Lonner agreed that the law and ethics exam as well as delayed implementation are serious concerns.

***Dr. Leah Brew moved to support AB 186 if amended. Deborah Brown seconded. The Board voted unanimously (8-0) to pass the motion.***

**b. Recommendation #2 - Neutral AB 213**

Ms. Helms presented AB 213, Licensure and Certification Requirements: Military Experience.

As of July 1, 2015, this bill would require a board that accredits or approves schools offering education course credits toward licensing requirements to require a school seeking accreditation or approval to submit proof that it has procedures to evaluate an applicant's military education, training and experience toward completion of an educational program designed to qualify a person for licensure. This bill would also require the Department of Veterans Affairs to provide technical assistance to boards in determining equivalency of education, training, and practical experience.

The Board has specific requirements for education and experience in its licensing laws. Currently, if an applicant for licensure or registration had military education and experience, the Board would conduct a review to determine if it was substantially equivalent to current licensing requirements. This would be done on a case by case basis, depending on the specific characteristics of the individual's education and experience. The Board is not aware of specific circumstances in which an individual had military education or experience.

The U.S. Army lists certain types of mental health occupations on its website:

- Social Workers - Appointment as a social worker requires a master's degree in social work from a program accredited by the Council on Social Work Education. The social worker must also have a current and unrestricted state license in social work.
- Mental Health Specialist: Serving as a mental health specialist in the army requires 10 weeks of basic combat training, and 20 weeks of advanced individual training practicing in-patient care. The army does not offer any specifics on its website about what the 20 weeks of advanced in-patient care entails.

The Board does not accredit or approve schools offering education course credit. Instead, it relies on the accreditations and approvals of other specified entities. However, the Board does review a school's curriculum, and determines whether or not that curriculum meets all of the Board's requirements for licensure.

At its April 2013 meeting, the Committee decided not to take a position on this bill.

Ms. Wong stated that the Council on Social Work Education is the primary accreditation body of the social work curriculum. This does not apply to the Board because the Board does not evaluate the curriculum of individual colleges or universities.

The Board directed staff to provide technical assistance to the author's office.

**c. Recommendation #3 - Support AB 252, if amended**

Ms. Helms presented AB 252 regarding title protection for social workers.

This bill:

- Would limit the use of the title "social worker" to only those who hold a degree from an accredited school of social work.
- Only allow the title "social worker" to be used by a person who has a degree from an accredited school of social work.
- States this title restriction does not apply to a person who held a "social worker" job classification prior to January 1, 2014.
- States that a social worker shall not use the titles "Licensed Clinical Social Worker" or "Associate Clinical Social Worker" unless they hold the appropriate license or registration with the Board.

- Applies this protection of the “social worker” title to all individuals, including those who work in exempt settings.
- Restricts an employer from representing employees as social workers unless the workers have degrees from an accredited school of social work.
- States that use of the title “social worker” without the appropriate degree is a misdemeanor punishable by imprisonment in county jail for up to six months, and/or a fine of up to \$1,000.

According to the author’s office, many public agencies refer to and classify their caseworkers as social workers, even if the employee does not have a degree in social work from an accredited school. Hiring individuals as caseworkers who do not have an accredited degree in social work allows the agencies to cope with their large workloads and limited resources. However, they note that giving these caseworkers a “social worker” title is misleading to consumers, because it implies that the individual has completed the education and experience that an accredited degree in social work requires.

The author’s office stated that the intent of this bill is to require either a bachelor’s degree or a master’s degree in social work. They note that the bachelor’s degree students are required to complete at least 400 hours of supervised practicum in the field.

According to the author’s office, this bill would give the Board the authority to enforce title protection for social workers because it is written under a code that is within the Board’s jurisdiction. However, the language is permissive; it states that the Board may apply for an injunction with superior court. As written, the bill does not require any enforcement of the social work title by the Board.

The author’s main intent of this bill is to focus on agencies misusing the social worker title. The bill would allow, but not require, the District Attorney or Attorney General to apply for an injunction to stop misuse of the title.

At its April 2013 meeting, the Committee recommended that the Board take a “support if amended” position on this bill. The Committee recommended the following amendments:

- Include a delayed implementation date to allow agencies time to revise position titles;
- Include language stating that it is not the intent of this bill to exclude the hiring of other professionals such as LPCCs and LMFTs;
- Clarify that an employer who gives an employee a prohibited job title would be the one subject to disciplinary action;
- Remove the “grandfather clause” stating that the law would not apply to a person who held a “social worker” job title prior to January 1, 2014;
- Include language clarifying that the “social worker” title does not necessarily refer to a Board licensee; and
- Remove the Board from the enforcement element of the bill.

Rebecca Gonzales, NASW-CA, informed the Board that this bill is currently in the Appropriations Committee and is on a suspense calendar because they determined that the bill is going to cost over \$150,000. NASW-CA has been working with the author’s office and the Appropriations Committee to come up with amendments to address concerns involving those costs. To address the Board’s concerns, the following amendments were submitted:

- Delay implementation date based on counties’ bargaining agreements, which occurs every 2-5 years;

- Included language clarifying that this is a title act only; it does not deal with hiring practices and does not heighten any requirements;
- Removed language regarding misdemeanor and unfair practice violation provisions for individuals, and instead allow the Board to mail cease and desist letters;
- State that use of the title “social worker” without the appropriate degree is a misdemeanor punishable by imprisonment in county jail for up to six months, and/or a fine of up to \$1,000;
- Modify language regarding the grandfather clause to clarify that the grandfather clause applies only to those who are continuously employed in the same classification by their employers;
- Included language clarifying that the “social worker” title does not necessarily refer to a Board licensee;

Ms. Gonzales explained that these proposed amendments are not in the bill at this time, and she is hoping that the bill gets out of Appropriations Committee so that the bill can be amended.

According to Ms. Lonner, the Committee feels that the grandfather clause creates a large loophole and feels strongly that the language needs to be omitted. The grandfather clause protects the issue that the bill is intended to address.

Ms. Gonzales responded that including this language was politically driven and that NASW-CA is doing what is necessary to get the bill through the process. Once the bill gets through the Appropriations Committee, NASW-CA will fix the grandfather clause language.

Ms. Madsen informed Ms. Gonzales that since this bill is permissive, and the Board is facing other enforcement priorities. Given the Board’s available resources, it is likely that the Board will not be issuing cease and desist letters.

Dr. Brew expressed that this does not protect consumers; this potentially eliminates the ability for many people to get jobs and creates job vacancies that cannot be filled. Furthermore, the people working at the agencies do not have time or resources to make the changes required by the bill. Dr. Brew opposed AB 252.

Ms. Lonner informed Dr. Brew that this is the 3<sup>rd</sup> title protection attempt within the last 10-15 years. AB 252 would help to protect consumers, and maybe it will push governmental agencies to professionalize these positions.

Mr. Wong, NASW-CA, stated that if there is misuse of other titles, AB 252 would be an important first step to address those misuses. The agencies and unions have made this a cost issue; however, this is a consumer protection issue. AB 252 will help licensed professionals keep their jobs.

Mr. Caldwell is concerned that if counties/employers are not able to make the change in their titles to more generic titles, this then becomes a title protection act. Anyone who is an MFT or LPCC who doesn’t have social work degree, but is well qualified for the position, would no longer be able to be hired into that position. This bill could become a very different measure than what is intended.

Mr. Caldwell suggested a long implementation deadline to address concerns. The challenge is how to motivate the systems to make the changes and not to make them low priority. AAMFT-CA is willing to work with the sponsors on language.

Jill Epstein, California Association of Marriage and Family Therapy (CAMFT), also expressed concerns regarding the implementation time frame.

Mr. Wong stated that the contracted agencies have flexibility in changing the titles because the counties have control over those positions. In the past, many counties have changed their titles. Titles can be changed easily, and legislation should not be crafted based upon assumptions of what counties will or will not do.

Ms. Gonzales cited the political reasons, specifically referring to the unions that support the bill and the unions that are opposed to the bill, that the grandfather clause was written into the bill.

***Christina Wong moved to support AB 252 if amended according to the Policy and Advocacy Committee's suggestions. Renee Lonner seconded. The Board voted (7 yea, 1 nay) to pass the motion.***

**d. Recommendation #4 - Oppose AB 376**

Ms. Helms presented AB 376 regarding notices of regulations. Beginning January 1, 2014, this bill would require a state agency enforcing a new regulation to notify all affected businesses 30 days before a regulation goes into effect.

Existing law requires a state entity proposing a regulation to provide a 45-day public comment period, before which notice of the proposed regulation must be mailed to specified groups and individuals, published in the California Regulatory Notice Register, and posted on the state agency's website.

This bill would require the state agency to send notice via email, or if that is not possible, via U.S. Mail, and it would require the state agency to cooperate with the Secretary of State to access business records to obtain the business contact information needed to provide the notice.

The author notes that a number of businesses are leaving this state, and California is ranked as having one of the worst business climates in the country. This bill is an attempt to ease the regulatory burden on businesses by notifying affected businesses of any new regulations ahead of time, thus giving them time to comply.

The Board already puts considerable effort into ensuring that affected licensees are notified of pending regulations that affect them. All regulatory proposals currently go before the Board, and the Board's Policy and Advocacy Committee before they are approved, which allows feedback from the Board's professional associations, as well as any interested parties that would like to attend and provide feedback.

Once a regulatory proposal is approved by the Board, a 45-day public comment period is held. The Board mails a notice to interested parties as well as contacts at the Board's professional associations and contacts at the educational institutions within California that offer degree programs intended for licensure. The notice is also posted on the Board's website, and an email notification is sent to those who subscribe to the Board's notification service through its website.

The Board has the ability to send email alerts of major changes to persons who visit its website and sign up for email notifications. Applicants are not currently required to provide an email address to the Board, and the Board does not track applicant or licensee emails. Therefore, even if the Board started collecting emails of new licensees, there would be a large number of those for which an email address had not been obtained.

Staff has concerns this bill would affect the Board's ability to run regulations when they are needed, because the bill requires a notification email be sent to all affected parties. First, it would require a significant amount of staff resources to collect and maintain current email addresses for all license types. Second, as currently written, if staff found that upon sending, an email address was no longer valid, a letter would need to be mailed. Tracking this effort would require a significant amount of staff time.

The Board has approximately 81,119 licensees and registrants. If the Board ran a regulation package that affected all of its license and registration types, postage costs to mail a letter to all those affected would be approximately \$37,314. This does not include costs of materials, printing, or staff time.

This bill is now a two-year bill; it will be considered early next year. At its April 2013 meeting, the Committee recommended that the Board take an "oppose" position on this bill.

***Christina Wong moved to oppose AB 376. Dr. Leah Brew seconded. The Board voted unanimously (8-0) to pass the motion.***

**e. Recommendation #5 - Oppose AB 512, unless amended**

Ms. Helms presented AB 512, Healing Arts Licensure Exemption. This bill would extend provisions allowing a health care practitioner who is licensed out-of-state to participate in a free, sponsored health care event in California. The provisions currently expire January 1, 2014 and would be extended to January 1, 2018.

Existing law allows a health care provider who is not licensed in this state to participate in a health care sponsored event in this state without a California license if the health care provider is licensed or certified in good standing in the other state and other specified conditions are met.

The health care services provided pursuant to the provisions of this bill must meet the following conditions:

- The services are provided to uninsured or underinsured persons;
- The services are on a short-term, voluntary basis not to exceed 10 days per sponsored event;
- It is in association with a non-profit or community-based sponsoring entity; and
- It is without charge to the recipient or to a third party on behalf of the recipient.

This bill would extend the provisions of AB 2699, which expire on January 1, 2014 until January 1, 2018. AB 2699 became effective on January 1, 2011, and its intent was to allow out-of-state healing arts practitioners to participate in government or non-profit sponsored health care events to provide health care services to the uninsured.

The author notes that there are two million uninsured people living in Los Angeles County. At a recent four-day annual health care event, approximately 4,900 people received free medical, vision, and dental care, which was provided by 800 doctors, dentists, optometrists, nurses, and other volunteers.

In the past, events like these have experienced a shortage of volunteer medical, dental and vision providers because of restrictions in state licensing laws which prohibit volunteer out-of-state medical personnel from providing short-term services. As a result, thousands of residents needing service were turned away. The intent of AB 2699 was to resolve this issue by allowing out-of-state practitioners to volunteer for this type of event.

As part of AB 2699, healing arts boards were required to promulgate regulations in order to implement this program. As of August 2012, the medical board's regulations were not yet in effect, and therefore, out of state physicians were not able to volunteer at last fall's event. As the provisions of AB 2699 are set to expire before many boards have had a chance to promulgate regulations, the author's office is seeking to extend its provisions to allow more time to demonstrate the potential for the program's success.

Due to the immediate staffing needs related to the Board's new LPCC license, the examination restructure, and the new Breeze database system, staff has not been able to complete the AB 2699 regulations at this time. However, the Board anticipates submitting the regulations to the Office of Administrative Law (OAL) in April 2013.

The Board has not had any requests from out-of-state practitioners for permission to participate in any non-profit health care events. A representative from the sponsor of the bill, Los Angeles County, noted that on occasion, prior events have utilized the services of the Los Angeles County Department of Mental Health, which qualifies as an exempt setting, as well as a substance abuse agency located in Los Angeles. There is currently no license in California for individuals who serve as substance abuse counselors.

At its April 2013 meeting, the Committee recommended that the Board take an "oppose unless amended" position on this bill, and requested that the Board be removed from this bill.

Betty Connolly expressed her concerns about opposing an event that has great potential for consumers.

***Renee Lonner moved to support AB 512 if amended to remove the Board of Behavioral Sciences from the bill. Eileen Colapinto seconded. The Board voted (7 yea, 1 nay) to pass the motion.***

**f. Recommendation #6 - Neutral AB 790**

Ms. Helms presented AB 790, Child Abuse Reporting. This bill deletes the provision that allows a team of mandated reporters to designate one member to make a single mandated report. Therefore, all mandated reporters who obtain knowledge of suspected child abuse or neglect would be required to make their own report.

Currently, the law states that when two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect and are in agreement, that the telephone report may be made by a mutually designated reporter on behalf of the group. One written report may then be made and signed by that designated member. If any member learns that the member designated to make the mandated report did not do so, then they must make the report.

The author's office reports that allowing a team of mandated reporters to make a single report about a case of suspected child abuse creates an opportunity for such abuse to go unreported. They note that this reporting exemption also delays immediate reporting by implying that the team of mandated reporters may first meet to discuss the situation and decide who is to report the known or suspected instance. This would be harmful to the child who is potentially being abused.

In addition, the author indicates that agencies that receive the mandated reports benefit from multiple reports, because it allows them to compile a list of all witnesses, and provides different perspectives from the various mandated reporters that can be helpful in an investigation.

Finally, there is a concern that having only one designated reporter may allow that reporter, if he or she is personally involved in the abuse or has a personal relationship with the abuser, an opportunity to conceal or cover up that involvement.

At its April 2013 meeting, the Committee decided to not take a position on this bill.

Ms. Epstein commented that CAMFT opposes this bill unless amended due to the duplicative process. This places a burden on the team of reporters as well as the agencies that receive multiple reports on the same incident.

Betty Connolly expressed her concern that by having a “designation person” does not absolve one of personal responsibility as a mandated reported, which is existing law.

Ms. Lonner explained that whether it is a team or an individual, there is a time frame to report abuse. The time frame to report is immediately or no later than 24 hours.

Deborah Brown stated that existing law is very clear. This bill is allowing the mandated reported to pass on the responsibility to another person. The person who has knowledge of the abuse should be the person who makes the report.

Ms. Connolly stated that initially she opposed this bill, but has concerns going on record opposing the bill. The bill has flaws that could have a negative impact on an already over-burdened system and possibly cause more harm than good. She asked if commentary could be provided to the authors. Ms. Helms responded that staff could offer technical assistance to the authors.

The Board requested that the following points be forwarded to the author:

- Requiring entire teams to report may burden an already over-burdened system; however, the Board acknowledges that there are reporting issues.
- Current law states that all team members are responsible for reporting; emphasize that each individual is accountable if the incident is not reported.
- Require every member of the team to sign the written report prepared by the designee.

Ms. Epstein stated that the Board’s suggestions would address CAMFT’s concern.

There was no action taken. Staff will express concerns to the author’s office and work with the author’s office to provide technical assistance.

**g. Recommendation #7 - Support AB 1057**

Ms. Helms presented AB 1057 regarding licenses and military service. This bill would require all boards under DCA to ask on licensing applications if the applicant is serving in or has served in the military.

While licensing boards under DCA are required to have a process for methods of evaluating education, training, and experience obtained in the military, the boards do not ask on the licensing application whether or not the applicant is or has been in the military. The intent of this bill is to make it easier for boards to identify applicants who may have applicable military training or experience.

This bill was written to accommodate the new information in the BreEZe system and to include a delayed implementation date.

At its April 2013 meeting, the Committee recommended that the Board take a “support” position on this bill.

No comments were made.

***Christina Wong moved to support AB 1057. Dr. Leah Brew seconded. The Board voted unanimously (8-0) to pass the motion.***

**h. Recommendation #8 - Support SB 22**

Ms. Helms presented SB 22 regarding Mental Health Parity. This bill requires health care plans and insurers to submit an annual report certifying that the plan is compliant with the mental health parity act. The report is submitted to the Department of Managed Health Care or the Department of Insurance.

Existing law:

- Requires health care service plan contracts and disability insurance policies that provide hospital, medical or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses.
- Requires the benefits provided to include outpatient services, inpatient hospital services, partial hospital services, and prescription drugs.
- Requires that maximum lifetime benefits, copayments, and individual and family deductibles that apply to these benefits have the same terms and conditions as they do for any other benefits under the plan contract.
- The Pall Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) is a federal law that requires group health plans that offer mental health or substance use disorder benefits to ensure financial requirements and treatment limitations for mental health or substance use disorders are not more restrictive than the requirements on all other covered medical benefits.

This Bill:

- Beginning January 1, 2014, requires every health care service plan and contractor of a health care service plan, and health insurer to submit an annual report to the Department of Managed Health Care or Department of Insurance, as applicable. The report must certify that the plan is compliant with applicable state law, and the MHPAEA.
- Requires the report to contain an analysis of the plan's compliance with state law and the MHPAEA regarding mental health parity, as well as the plan's compliance with specified standards set forth in the American Accreditation HealthCare Commission's (URAC) Health Plan Accreditation Guide.
- Requires the report to contain a survey of plan enrollees regarding their experiences with mental health and substance use care, and a survey of plan providers regarding their experience with providing mental health and substance use care.

The author's office notes that state and federal parity laws that mandate mental health coverage are a good first step, but that in California, these laws are not being enforced sufficiently. This is because enforcement of the laws is based on complaints. If mental health providers and patients don't complain, there is no way to ensure compliance.

At its April 2013 meeting, the Committee recommended that the Board take a "support" position on this bill.

No comments were made.

***Dr. Leah Brew moved to support SB 22. Renee Lonner seconded. The Board voted unanimously (8-0) to pass the motion.***

The Board took a lunch break 12:00 and reconvened at approximately 12:35 p.m.

**i. Recommendation #9 - Support SB 126**

Ms. Helms presented SB 126, Health Care Coverage for Autism. This bill extends the operation of the law that requires health care service plan contracts and health insurance policies to provide benefits, including coverage for behavioral health treatment for pervasive developmental disorder or autism (PDD/A). This provision becomes inoperative on July 1, 2014, and the bill seeks to extend it until July 1, 2019.

According to the author's office, this bill is necessary to ensure that treatment for individuals with PDD/A remains covered under insurance plans that are regulated by the state of California.

At its April 2013 meeting, the Committee recommended that the Board take a "support" position on this bill.

No comments were made.

***Deborah Brown moved to support SB 126. Renee Lonner seconded. The Board voted unanimously (8-0) to pass the motion.***

**j. Recommendation #10 - Support SB 282, if amended**

Ms. Helms presented SB 282, Confidential Medical Information, Required Authorization to Disclose.

Current law requires that when a patient makes a complaint against a physician or surgeon that demands a settlement or includes an offer to compromise, the demand or offer must be accompanied by the patient's authorization to disclose medical information to the organizations insuring or defending the physician or surgeon.

This bill proposes an amendment to also apply this requirement to settlement or compromise offers against an LMFT.

According to the author's office, this bill seeks to protect LMFTs from claims of breaching confidentiality under the Confidentiality of Medical Information Act when they provide patient medical information to their medical malpractice insurer in order to defend themselves in a demand for settlement or offer of compromise. This protection is already allowed to physicians and surgeons in the law, and the author sees no reason why LMFTs should not be included as well.

The author's office further notes that requiring the patient's authorization to release these records to the insurer will allow the insurer to evaluate and respond to claims in a timely manner.

At its April 2013 meeting, the Committee recommended that the Board take a "support if amended" position on this legislation. The Committee requested an amendment to include the Board's other license types in addition to LMFTs.

Ms. Epstein updated the Board on this bill. The bill passed the Committee on Consent and the Senate Floor on Consent. There haven't been any concerns raised about the bill. CAMFT has not amended the bill.

Ms. Helms stated that once the Board takes a position, staff will send a formal letter to the author's office requesting the amendment.

***Renee Lonner moved to support SB 282 if amended. Christina Wong seconded. The Board voted unanimously (8-0) to pass the motion.***

**k. Recommendation #11 - Oppose Senate Bill 578**

Ms. Helms presented SB 578, Marriage and Family Therapists, Unprofessional Conduct. This bill adds engaging in certain types of dual relationships with a patient to the list of provisions that may be considered unprofessional conduct for an MFT licensee or registrant.

Currently, the Board takes disciplinary action on MFT licensees or registrants for unprofessional conduct if it determines that they have engaged in an inappropriate dual relationship. Current law does not define an inappropriate dual relationship; instead, the Board typically cites unprofessional conduct already in law. If the dual relationship involved sexual conduct, the Board would cite the provision citing sexual relations with a client.

This bill:

- Clarifies that dual relationships that constitute unprofessional conduct are relationships that are likely to impair professional judgment or lead to exploitation of the client.
- Defines a dual relationship as one where the therapist and the client engage in a separate and distinct relationship at the same time as the therapeutic relationship or following its termination.
- Specifies that if a dual relationship cannot be avoided, the therapist must take appropriate precautions to ensure his or her judgment is not impaired and the client is not exploited. This includes documenting the dual relationship.
- Specifies that a violation of this provision is not subject to Business and Professions Code (BPC) Section 4983, which states that a violation of the Licensed Marriage and Family Therapist Act is a misdemeanor punishable by imprisonment in county jail for up to six months, a fine of \$2,500, or both.

The author's office notes that since the Board takes disciplinary action against licensees for inappropriate dual relationships, the law should state specifically that certain types of dual relationships are unprofessional conduct, and should also clarify which types of dual relationships are considered inappropriate.

The author's office refers to a recent disciplinary case as an example of the need to clarify in law that certain types of dual relationships constitute unprofessional conduct. During this case, which occurred in 2011, the licensee had allegedly engaged in an inappropriate dual relationship. However, the presiding administrative law judge dismissed the case partially because the Board's subject matter expert testified that he believes all dual relationships are unethical and could not think of any dual relationship that did not harm a client. The administrative law judge stated that this testimony contradicted professional standards.

The current version of the CAMFT code of ethics, dated June 2011, contains language addressing dual relationships that is very similar to the language proposed by this bill.

A recent amendment to this bill exempts a violation of this proposed dual relationship unprofessional conduct subsection from BPC Section 4983. Section 4983 states that a violation of the Licensed Marriage and Family Therapist Act is a misdemeanor punishable by imprisonment in county jail for up to six months, a fine of \$2,500, or both. None of the other marriage and family therapy code sections are exempt from Section 4983; therefore, it is unclear why a dual relationship violation should be.

At its April 2013 meeting, the Committee recommended that the Board take an "oppose" position on this bill.

Ms. Lonner referred to the Mental Health Services Act (MHSA), which provides for mental health services in communities with seriously mentally ill people. Every clinician has “dual relationships” with clients, and these “dual relationships” are not inappropriate. These types of relationships are seen especially in rural areas.

Ms. Epstein stated that the language regarding exemption from BPC Section 4983 will be removed. She acknowledged that the language needs to be revisited and reworked, and urged the Board to take no action until the language is reworked. Ms. Epstein also stated that the Board’s counsel stated that a definition of dual relationships could alleviate confusion and would not hinder the Board in other enforcement actions.

Olivia Loewy, AAMFT-CA, agreed with Ms. Lonner’s comment, stating that client-therapist relationships are changing with recovery orientation where the therapist meets the client at the client’s location.

***Dr. Leah Brew moved to support SB 578 if amended to strike the language that pertains to exemption from BPC Section 4983. Renee Lonner seconded. The Board voted unanimously (8-0) to pass the motion.***

#### **I. Legislative Update**

Ms. Helms reported that AB 428 is now at the Senate.

Ms. Helms briefly presented AB 451. Licensing requirements for out-of-state LMFT and LPCC applicants are set to change on January 1, 2014. However, the Board has concerns that the new out-of-state requirements may be too stringent, restricting portability of these license types to California.

AB 451 extends the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2015. This allows the Board additional time to carefully consider solutions to this problem which would increase portability of licenses while maintaining public protection. The Board has formed a special committee, which met for the first time on April 26, 2013, to discuss this issue further.

***Christina Wong moved to extend the Board’s examination restructure effective date of the new out-of-state requirements from January 1, 2015 to January 1, 2016. Dr. Leah Brew seconded. The Board voted unanimously (8-0) to pass the motion.***

#### **m. Rulemaking Update**

Ms. Helms reported that the Advertising, Supervision and Continuing Education regulation package was approved and became effective April 1, 2013.

The Enforcement regulations and the Disciplinary Guidelines regulations will become effective July 1, 2013.

### **XVI. Other Legislation**

#### **a. Discussion and Possible Action Regarding AB 809, Healing Arts – Telehealth**

Ms. Helms presented AB 809 regarding Healing Arts, Telehealth. AB 415 updated the law by removing the term “telemedicine” and replaced it with “telehealth.”

Prior to AB 415 changing the telehealth law, a practitioner performing telemedicine was required to obtain both a verbal and written informed consent from the patient. AB 415 deleted these provisions, and the law currently just requires a patient’s verbal consent to telehealth.

Since AB 415 became effective, two unintended consequence have arisen:

- The law states that “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 term “originating site” is defined as the location of the patient. This implies that if the health care provider does not physically go to the site where the patient is located to obtain the patient’s verbal consent, then he or she is guilty of unprofessional conduct.

- BPC Section 2290.5(b) is also written to require that a health care provider must obtain verbal consent for telehealth prior to every visit with the patient. Several physicians have complained that this requirement is burdensome to their treatment of patients.

The current version of this bill corrects the problem of requiring consent prior to every instance of telehealth by making an amendment that states that the initial consent applies to subsequent instances of telehealth. However, it does not correct the other problem, which requires the health care provider to obtain the verbal consent at the originating site.

In a conversation with the author’s office, a staff member noted that they are still working with stakeholders on the originating site consent issue. There are some differing opinions about who should be required to obtain consent, for example, the referring provider, or the actual provider who will provide treatment.

This bill is an urgency measure; it would become effective immediately upon signature by the Governor.

Ms. Madsen stated that although a part of the language was corrected, the definition of the originating site must be corrected. This does not have an impact on the Board.

Issues of confidentiality were discussed. Dr. Brew stated that confidentiality cannot be guaranteed when therapy is provided via telehealth, and the client must be informed of this.

Ms. Connolly stated that there is a need for telehealth. Mental health providers have unique issues that medical providers do not experience. She asked that until there is more clarification or until the unique issues are addressed, could mental health providers be excluded from this bill.

Ms. Madsen responded that would do more damage than good. She explained that this bill is addressing verbal consent and how it is obtained. Discussing confidentiality in delivering mental health services via telehealth is a different subject.

No action was taken.

**b. Discussion and Possible Action Regarding SB 131, Childhood Sexual Abuse – Statute of Limitations**

This item was dropped.

**c. Discussion and Possible Action Regarding SB 243, Licensed Professional Clinical Counselors**

Ms. Helms presented SB 243 regarding LPCCs. This bill was amended after the analysis was prepared. This bill amends the requirements for an LPCC who opts to treat couples and families.

Current law states that in order to assess or treat couples or families, a professional clinical counselor must complete specified amount of additional training and education beyond the minimum training and education requirements for licensure.

The author believes this was an unintended consequence of the LPCC licensing law. Although the law states that the education and experience must be in addition to, and not part of, what is required for licensure, this was not the intent when the law was drafted. The intent was that this training and coursework may be taken as part of the education and experience required for a license. However, unless the law is changed, the Board must follow the law as written.

Staff has provided technical assistance to the California Association for Licensed Professional Clinical Counselors (CALPCC) in drafting this bill. Staff has requested one additional amendment to the BPC relating to the supervised experience requirements in order to qualify for the LPCC license exam. The code changes "direct counseling with individuals and groups" to "direct counseling with individuals, groups, couples, or families." CALPCC has agreed to include this amendment.

There was no discussion.

***Dr. Leah Brew moved to support SB 243. Renee Lonner seconded. The Board voted unanimously (8-0) to pass the motion.***

The Board took a break at 1:53 p.m. and reconvened at 2:06 p.m.

Upon return, Dr. Wietlisbach announced that Item V to evaluate the performance of the Board's Executive Officer, which was discussed in closed session on Tuesday, May 22nd is still in process and will be discussed again at the August 2013 Board Meeting.

## **XVII. Discussion and Possible Rulemaking Action Regarding Revision to the Board's Continuing Education Program**

Ms. Madsen presented the proposed draft language for continuing education (CE) requirements. The draft was established by stakeholders and staff through a series of committee meetings.

The draft provides for:

- A transition period regarding the approval process of new accrediting agencies,
- A transition period for CE provider renewals that are currently approved, and
- A timeframe for the Board to cease accepting applications for new CE providers.

The Board intends to transition to the new CE program effective January 1, 2015.

Ms. Madsen and Dr. Wietlisbach thanked Dr. Douglas, the Committee, and stakeholders involved in this process.

Dr. Porter suggested typing edits to the proposed draft language.

Ms. Epstein pointed out that most of the approval agencies meet quarterly to approve new providers. She expressed an urgency to expedite this regulation because it will give CE providers more time to become approved prior to the proposed effective date of January 2015.

Concerns were expressed regarding notifying CE providers of the upcoming changes. Ms. Madsen assured that all CE providers will be notified via mail, and alerts will be posted on the Board's website once it is appropriate to do so.

***Renee Lonner moved to direct staff to initiate the rulemaking process with the amendments proposed and to make known substantive changes to the Board's continuing education program. Dr. Leah Brew seconded. The Board voted unanimously (8-0) to pass the motion.***

## **XVIII. 90-Day Rule and Enforcement Action Research Update**

Ms. Madsen presented the findings in a research conducted by Board staff regarding the 90-Day Rule.

Under current law, an applicant for MFT or 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 referred to as “the 90-day rule.”

There were 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.

If a consumer or the supervisor were to file a complaint against such a practitioner during this time, the Board would have no jurisdiction to investigate the complaint and take action, as they are not yet a registered intern.

Based upon these concerns, in 2011 the Board directed staff to seek a legislative change to the current law. Board staff approached several legislative offices about authoring the 90-day proposal. Several offices expressed interest in this proposal, but also expressed the same concern expressed by Board stakeholders. Specifically, the lack of statistics to demonstrate how often an applicant who follows the 90-day rule and is gaining hours is referred to the Board’s enforcement unit and, upon further investigation, is denied the registration or issued a restricted registration.

During the May 2012 meeting, the Board directed staff to gather data for a period of one year to determine the extent of the problem of applicants with a criminal history abusing the 90-day rule. Board staff was directed to gather data on the following circumstances:

1. Number of applicants with a criminal conviction who, while gaining hours, wait until the end of their one-year deficiency period to submit any information requested by the Board’s enforcement unit.
2. Number of instances in which an applicant follows the 90-day rule and begins gaining hours, only to have their registration denied due to the findings of the enforcement unit.
3. Number of instances in which a denial of an application, due to enforcement unit findings, is appealed and the applicant subsequently is granted a registration with restrictions.
4. In cases where a registration was denied or restricted due to enforcement unit findings, the nature of the offenses that led to each particular denial or restriction should be tracked.

The one-year review period revealed the following information:

- None of the 179 applicants tracked waited the full year to submit any information requested by the Board’s enforcement staff.
- Of the 10 applications denied, nearly all the applicants responded within 54 days. One applicant responded in 57 days, but submitted follow-up information to bring this applicant’s response total to 141 days.
- To date, none of the cases denied and subsequently appealed have resulted in the issuance of a registration with restrictions. These cases are either pending at the AG’s office or the Board is waiting for a response from the applicant following the issuance of the denial letter.

- The nature of the offense that led to denial of the application is as follows: Driving Under the Influence (6 cases), Theft/Sale of Narcotics (1 case), Transport Drugs (1 case), Disorderly Conduct (1 case), and Embezzlement (1 case).

Ms. Madsen concluded that these results do not support pursuing legislation to change the law regarding the 90-day rule.

Dr. Brew agreed. No action was taken.

**XIX. Discussion and Possible Action Regarding Revising the Board’s 2010 Strategic Plan**

Ms. Madsen presented information regarding the Board’s Strategic Plan revision.

The Board is beginning the process of developing a strategic plan that will assist in guiding and managing efforts and resources in the years ahead. The last strategic plan was adopted in December 2010. The Board will be collaborating with DCA’s SOLID Planning Solutions staff to coordinate the planning process.

The strategic planning process will span from May 2013 to December 2013 and will include input from Board staff, members, and outside stakeholders.

The following outline of the specific proposed strategic planning activities was provided:

- May: SOLID will facilitate a 3-4 hour meeting with chosen members of the Board’s staff to discuss internal and external program threats and opportunities as well as gather views on the Board’s strategic focus for the upcoming years.
- June: SOLID will schedule and conduct interviews with Board members regarding the climate of the industry as well as their view on the Board’s strategic focus for the upcoming years.  
SOLID will create an online survey to be sent to external stakeholders to provide input on the strategic direction of the Board.
- July: SOLID will compile and analyze the data and produce a draft document of trends and recurring themes
- August: SOLID will conduct a strategic plan development session at the Board meeting; the Board will determine the strategic direction for the upcoming years.
- September: SOLID will create a draft copy of the Board’s 2014–2017 Strategic Plan.
- October: Board staff will work with SOLID to finalize the strategic plan document.
- November: The finalized strategic plan will be presented to the Board for adoption at the Board meeting.
- December: SOLID will facilitate a 6-hour meeting with Board managers and staff to create an action plan for the completion of the strategic objectives by establishing due date, identifying major tasks, and assigning responsible parties.

**XX. Discussion and Possible Action Regarding Practice in Exempt Settings**

Ms. Madsen presented the background and issues regarding exempt setting.

Current laws for LMFTs, LCSW and LPCCs specify certain types of organizations whose employees are not required to have a license or a registration in order to perform clinical social work, marriage and family therapy or clinical counseling within the scope of their employment. This is known as exempt settings. The law also specifies certain types of professions, known as exempt

professions, which can perform counseling or work of a psychosocial nature consistent with the standards and ethics of their respective professions.

While the statutory language that defines the exempt setting/professions differs for each regulated Board license, the exempt settings/professions are the same. Under the current laws, any employee/volunteer would be considered exempt if their work was performed solely under the supervision of the employer within the following settings:

- A governmental entity;
- A school, college, or university; and
- An institution that is both nonprofit and charitable.

Any of the following persons would be exempt if they perform counseling services or work of a psychosocial nature as part of their professional duties or practice:

- Priests, rabbis, or ministers of the gospel on any religious denomination;
- Any person admitted to practice law in the state; and
- Any person who is licensed to practice medicine.

Board staff has recognized an increasing trend in individuals whom have been licensed with the Board as an intern or associate, or who have the necessary education and/or qualifications for licensure, that are opting to work within an exempt/profession instead of pursuing full licensure. Consumer complaints regarding services provided by an individual in an exempt setting are usually deemed non-jurisdictional because the oversight of individual's practice is the responsibility of the employer and not the Board. Also, it has been difficult for Board staff to make a determination of unlicensed activity in complaints regarding individuals who claim to be practicing within an exempt profession.

Staff recommends that the Board conduct an open discussion as to whether Board staff should further research and analyze the issues regarding "exempt settings" and "exempt professions."

Dr. Wietlisbach acknowledged an exempt setting entity that provided counseling to victims of sexual abuse/assault. Counseling is provided by unlicensed individuals. She is concerned that these services are provided by non-trained individuals and that these services may be provided to an underprivileged population. Dr. Wietlisbach expressed that this population should be afforded the same quality of treatment as a paying client who can afford to pay for counseling.

Ms. Connolly expressed concern regarding possible unintended consequences; this could harm credentialed school psychologists. Some entities that serve functions, such as suicide hotlines, rape hotlines, etc., could not staff the entities with licensed professionals. Ms. Connolly agreed that this is a consumer protection issue, but the Board must proceed with caution.

Dr. Brew suggested looking into addiction agencies and "coaching." She agreed that the Board should research this and determine the depth of this problem.

Ms. Madsen stated that more research can be conducted for further discussion at the August Board meeting.

Ms. Loewy stated that this will be a huge and complex project. She listed several points to consider:

- The boundaries of the Board;
- The scope of the employees providing service;
- The structure of the entity;
- The lines of responsibility;
- Internal grievance procedures;

- Alcohol and drug counselors –unlicensed individuals; and
- MHSA's pursuit to employ consumers.

Ms. Lonner also noted the para-professional movement in California. These unlicensed, para-professionals are providing counseling services.

***Dr. Leah Brew moved to direct staff to conduct research on this issue and report its findings at the November Board meeting. Christina Wong seconded. The Board voted unanimously (8-0) to pass the motion.***

## **XXI. Update and Discussion Regarding Mandated Reporting of Sexual Activities of Minors**

Ms. Helms provided background information regarding mandated reporting of sexual activities of minors.

At the February 2013 Board meeting, Ben Caldwell, professor at Alliant University and member of the AAMFT-CA, gave a presentation on therapist mandated reporting of sexual activity of minors. He reported that there are specific guidelines in law outlining circumstances when consensual, heterosexual intercourse is not reportable. However, he believes that the law may not treat other types of sexual activity in the same manner. Mr. Caldwell would like to sponsor legislation, with the Board's support, to correct this.

The Board directed staff to prepare a legal opinion on current law and to research past efforts to reform the California Child Abuse and Neglect Reporting Act (CANRA). This opinion was discussed at the April 2013 Policy and Advocacy Committee meeting.

In its legal opinion, DCA found that CANRA does not require a mandated reporter to report incidents of consensual sex between minors of a similar age for any actions described in the Penal Code unless there is reasonable suspicion of force, exploitation, or other abuse.

Dianne Dobbs, DCA Legal Counsel, explained the following, based on past court cases:

- Courts have found that the legislative intent of the reporting law is to leave the distinction between abusive and non-abusive sexual relations to the judgment of professionals who deal with children.
- Review of other legal cases has found that the law does not require reporting of consensual sexual activities between similarly-aged minors for any sexual acts unless there is evidence of abuse.

Ms. Dobbs stated that based on this research, it is determined that changing the law is not necessary.

## **XXII. Election of Board Officers 2013-2014**

This item was heard after item XII.

## **XXIII. Suggestions for Future Agenda Items**

Ms. Porter shared a discussion that she had with the Mental Health Directors Association. She learned that county agencies are developing new job descriptions/classifications to include LPCCs and PCC Interns. The county agencies are having issues with scope restrictions. The restriction does not allow LPCCs or PCC Interns to see couples or families unless they had additional coursework and 500 hours of supervision with couples, families, or children. The county agencies indicate that they cannot develop a job classification for those who have completed the additional requirements and another job classification for those who have not completed the additional requirements. The county agencies also indicated that they could not be involved in determining if

an LPCC or a PCC Intern has completed the additional requirements. Several counties have stated that they will not hire any LPCCs or PCC Interns due to these issues.

Based on this conversation, Ms. Porter suggested revisiting the regulations that require an LMFT to supervise a PCC Intern to gain the 500 required hours. Since an MFT Intern is not required to be supervised by an LMFT to gain those hours, Ms. Porter would like this requirement to be more equitable.

Ms. Porter also suggested that the Board consider a certification or designation to the LPCC that would indicate those who have completed the MFT requirements.

Ms. Brown stated that she would like to learn more about BreEZe.

**XXIV. Public Comment for Items Not on the Agenda**

There were no public comments.

**XXV Adjournment**

The Board adjourned at 3:17 p.m.



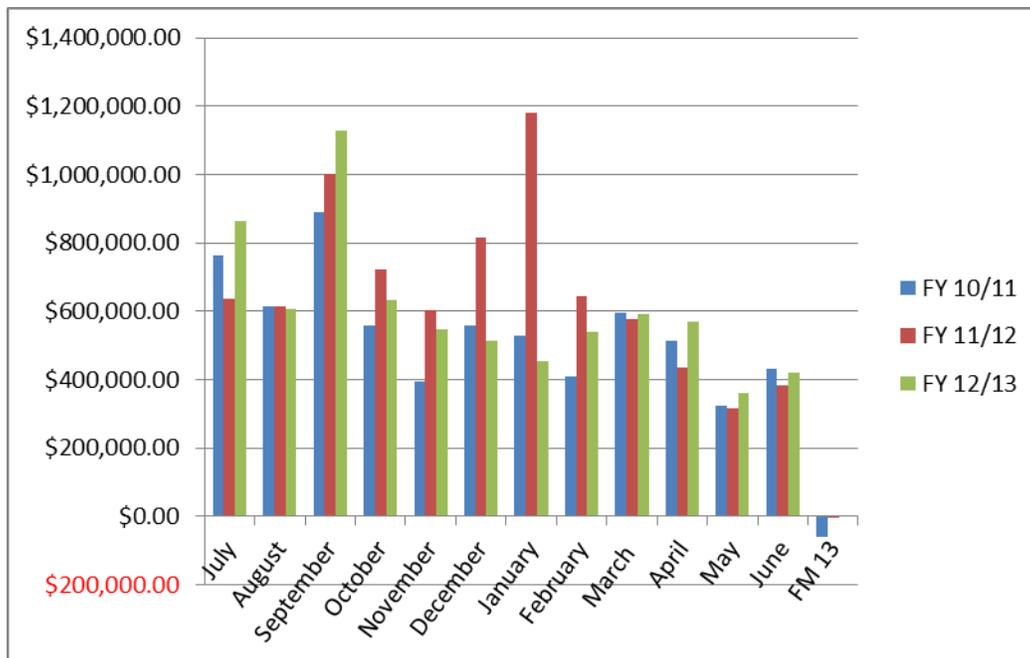
**2012/2013 Budget**

The 2012/2013 budget for the Board is \$8,077,669. As of June 30, 2013, the Board has spent \$7,512,837 reflecting 93% of the total budget. The chart below provides a breakdown of expense categories and percentages.

Expense Category	Amount	Percentage
Personnel	\$ 2,855,098	35%
OE&E	\$ 3,574,266	45%
Enforcement	\$ 1,046,466	13%
Minor Equipment	\$ 37,007	0%
<b>Total</b>	<b>\$7,512,837</b>	<b>93%</b>

The Board is awaiting the final figures for FY 2012/2013. The final figures will be available mid to late August. The Board expects these final figures will change the Board's unencumbered balance, which is currently estimated at \$564,832. The unencumbered balance primarily reflects BreEZe expenditures that were not encumbered due to the delayed implementation of BreEZe. The BreEZe contract provisions specify that the Board's payment for the BreEZe data system will not begin until the data system is released.

Revenues collected as of June 30, 2013 total \$7,937,511.48



### **Board Fund Condition**

The Board's fund condition reflects 3.3 months in reserve. This figure reflects a scheduled repayment of \$1.4 million dollars related to the 2002 six million dollar loan.

### **General Fund Loans**

The Board's loan balance to the General Fund is \$12.3 million dollars. Recently, the Department of Finance submitted a report pursuant to Government Code section 16320 reflecting the balance of all loans to the General Fund and a planned repayment schedule.

Repayment of the six million dollars loaned to the General Fund during the 2002 Budget Act is scheduled to occur in multiple fiscal years. These fiscal years are not specified.

Repayment of the three million dollars (six million total) loaned to the General Fund during the 2008 and 2011 Budget Act is scheduled for fiscal year 2015/2016.

### **2013/2014 Budget**

On June 27, 2013, the Governor signed the budget which allowed state operations to continue uninterrupted on July 1, 2013. The 2013/2014 budget is balanced, provides for repayment towards debt, invests in health care and education, and establishes a reserve fund of 1.1 billion dollars.

The Board's 2013/2014 budget is \$8,063,000, a slight decrease from last year's budget. Reductions in the Board's equipment replacement costs and department pro rata costs can be attributed the slight decrease.

Effective July 1, 2013, the furlough program and personal leave program (one day a month off without pay) ended. State employee salaries were restored to levels prior to the furlough and personal leave program. Additionally, state employees received a three percent increase. The restoration of employee salaries and 3% salary increase are reflected in the Board's personnel expenditures.

**BBS EXPENDITURE REPORT FY 2012/13**

OBJECT DESCRIPTION	11/12	FY 2012/13		
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 6/30/13	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES</b>				
Salary & Wages (Civ Svc Perm)	1,728,520	1,990,849	1,784,336	206,513
Salary & Wages (Stat Exempt)	89,748	86,904	86,940	(36)
Temp Help (907)(Seasonals)	0	7,105	0	7,105
Temp Help (915)(Proctors)	0	444	0	444
Board Memb (Per Diem)	13,700	12,900	23,000	(10,100)
Overtime	0	14,533	2,916	11,617
Totals Staff Benefits	865,004	1,002,306	957,906	44,400
Salary Savings				0
<b>TOTALS, PERSONAL SERVICES</b>	<b>2,696,972</b>	<b>3,115,041</b>	<b>2,855,098</b>	<b>259,943</b>
<b>OPERATING EXP &amp; EQUIP</b>				
Fingerprint Reports	15,897	19,827	10,783	9,044
General Expense	44,833	47,720	86,051	(38,331)
<b>Printing</b>	<b>43,882</b>	<b>53,000</b>	<b>52,412</b>	588
Communication	7,992	11,513	12,524	(1,011)
Insurance	0	325	0	325
<b>Postage</b>	<b>79,993</b>	<b>108,009</b>	<b>99,354</b>	8,655
<b>Travel, In State</b>	<b>88,948</b>	<b>55,684</b>	<b>68,348</b>	(12,664)
Travel, Out-of-State	28,319	72,000	13,663	58,337
<b>Training</b>	<b>7,745</b>	<b>20,463</b>	<b>1,990</b>	18,473
Facilities Operations	267,195	227,925	246,577	(18,652)
Utilities	280	4,330	0	4,330
C&P Services - Interdept.	0	14,939	51,752	(36,813)
<b>C&amp;P Services-External Contracts</b>	<b>33,942</b>	<b>234,978</b>	<b>14,154</b>	220,824
<b>DEPARTMENTAL PRORATA</b>				
DP Billing (424.03)	516,006	803,418	803,418	0
Indirect Distribution Costs (427)	389,640	393,793	393,793	0
Public Affairs (427.34)	26,284	22,459	22,459	0
D of I Prorata (427.30)	13,058	15,946	15,946	0
Consumer Relations Division (427)	26,881	27,311	27,311	0
OPP Support Services (427.01)	0	490	0	490
Interagency Services (OER IACs)	243,757	325,065	162,622	162,443
Consolidated Data Services (428)	2,252	24,096	1,993	22,103
Data Proc (Maint,Supplies,Cont) (4)	17,255	10,448	22,202	(11,754)
Statewide Pro Rata (438)	322,127	434,800	434,880	(80)
<b>EXAM EXPENSES</b>				
Exam Site Rental	34,953	99,630	26,001	73,629
Exam Contract (PSI) (404.00)	334,567	358,659	390,098	(31,439)
C/P Svs - Expert Examiners (404.01)	0	45,000	0	45,000
C/P Svs - External Subj Matter (40	212,020	365,260	141,065	224,195
<b>ENFORCEMENT</b>				
Attorney General	991,570	801,588	814,957	(13,369)
Office of Admin. Hearing	139,768	154,926	111,084	43,842
Court Reporters	6,516	0	7,429	(7,429)
Evidence/Witness Fees	34,283	94,955	26,225	68,730
Division of Investigation	239,510	86,771	86,771	0
<i>LPCC</i>	<i>398,076</i>		<i>474,869</i>	<i>(474,869)</i>
<b>Minor Equipment (226)</b>	<b>25,896</b>	<b>8,300</b>	<b>7,400</b>	900
<b>Equipment, Replacement (452)</b>	<b>24,162</b>	<b>0</b>	<b>29,607</b>	(29,607)
<b>Equipment, Additional (472)</b>	<b>0</b>	<b>0</b>	<b>0</b>	0
<b>Vehicle Operations</b>	<b>0</b>	<b>19,000</b>	<b>0</b>	19,000
<b>TOTAL, OE&amp;E</b>	<b>4,617,607</b>	<b>4,962,628</b>	<b>4,657,739</b>	<b>304,889</b>
<b>TOTAL EXPENDITURES</b>	<b>\$7,314,579</b>	<b>\$8,077,669</b>	<b>\$7,512,837</b>	<b>\$564,832</b>

Reimbursements	FY 11/12 Actuals	Budget Alotment	Current as of 6/30/13
Fingerprints	(13,301)	(24,000)	(10,969)
Other Reimbursements	(11,215)	(26,000)	(8,620)
Unscheduled Reimbursements	(120,609)		(123,771)
<b>Total Reimbursements</b>	<b>(145,125)</b>	<b>(50,000)</b>	<b>(143,360)</b>

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

# 0773 - Behavioral Science Analysis of Fund Condition

Prepared 8/5/2013

(Dollars in Thousands)

## Governor's Budget

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

NOTE: \$8.1M GF Loan Repayments Deferred to After 2016-17

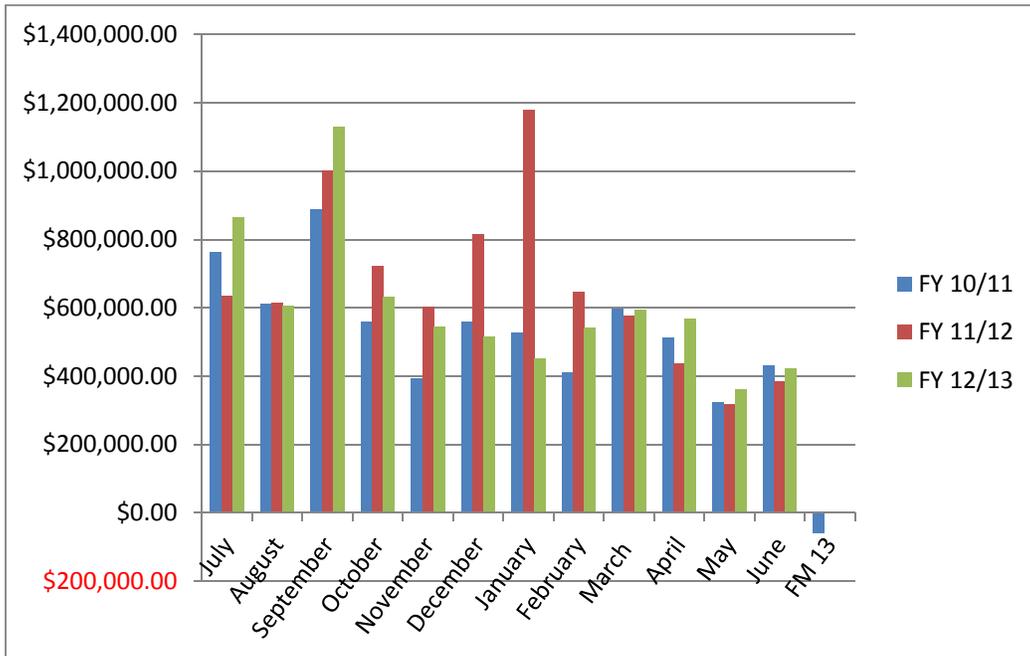
	ACTUAL 2011-12	CY 2012-13	Governor's Budget BY 2013-14	BY +1 2014-15	BY +2 2015-16	BY +3 2016-17
<b>BEGINNING BALANCE</b>	\$ 4,528	\$ 1,798	\$ 1,290	\$ 2,231	\$ 2,445	\$ 2,596
Prior Year Adjustment	\$ 99	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,627	\$ 1,798	\$ 1,290	\$ 2,231	\$ 2,445	\$ 2,596
<b>REVENUES AND TRANSFERS</b>						
Revenues:						
125600 Other regulatory fees	\$ 83	\$ 70	\$ 76	\$ 76	\$ 76	\$ 76
125700 Other regulatory licenses and permits	\$ 3,142	\$ 2,818	\$ 2,698	\$ 2,698	\$ 2,698	\$ 2,698
125800 Renewal fees	\$ 4,478	\$ 4,608	\$ 4,734	\$ 4,734	\$ 4,734	\$ 4,734
125900 Delinquent fees	\$ 68	\$ 62	\$ 65	\$ 65	\$ 65	\$ 65
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 10	\$ 4	\$ 9	\$ 5	\$ 5	\$ 5
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ 6	\$ 7	\$ 7	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 7,791	\$ 7,571	\$ 7,591	\$ 7,587	\$ 7,587	\$ 7,587
Transfers from Other Funds						
F00683 Teale Data Center (CS 15.00, Bud Act of 2005)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
F00001 GF loan repayment per item 1170-011-0773 BA of 2002	\$ -	\$ -	\$ 1,400	\$ 800	\$ 900	\$ 1,100
F00001 GF loan repayment per item 1110-011-0773 BA of 2008						
Transfers to Other Funds						
T00001 GF loan per item 1170-011-0773 BA of 2002	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
T00001 GF loan per item 1110-011-0773 BA of 2008	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
T00001 GF loan per item 1110-011-0773 BA of 2011	\$ -3,300	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 4,491	\$ 7,571	\$ 8,991	\$ 8,387	\$ 8,487	\$ 8,687
Totals, Resources	\$ 9,118	\$ 9,369	\$ 10,281	\$ 10,618	\$ 10,932	\$ 11,283
<b>EXPENDITURES</b>						
Disbursements:						
8860 FSCU (State Operations)	\$ 9	\$ 9	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California	\$ 21	\$ 43	\$ 37	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 7,290	\$ 8,027	\$ 8,013	\$ 8,173	\$ 8,336	\$ 8,503
Total Disbursements	\$ 7,320	\$ 8,079	\$ 8,050	\$ 8,173	\$ 8,336	\$ 8,503
<b>FUND BALANCE</b>						
Reserve for economic uncertainties	\$ 1,798	\$ 1,290	\$ 2,231	\$ 2,445	\$ 2,596	\$ 2,780
<b>Months in Reserve</b>	2.7	1.9	3.3	3.5	3.7	3.8

### NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2014-15 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR IN 2014-15 AND ON-GOING.
- ASSUMES INTEREST RATE AT 0.3%.

### BBS Revenue Analysis

Month	FY 09/10	FY 10/11	FY 11/12	FY 12/13
July	\$443,240.40	\$762,284.90	\$636,305.00	\$865,553.99
August	\$882,032.22	\$612,879.75	\$614,882.97	\$605,609.87
September	\$866,668.07	\$888,896.00	\$1,002,602.57	\$1,130,230.37
October	\$560,398.81	\$560,370.10	\$723,621.83	\$631,685.86
November	\$423,006.21	\$393,690.35	\$601,895.03	\$545,880.97
December	\$503,837.85	\$560,118.27	\$816,772.93	\$514,784.93
January	\$431,585.53	\$527,079.68	\$1,180,871.34	\$452,850.71
February	\$430,200.00	\$409,637.17	\$646,040.15	\$541,115.50
March	\$569,946.20	\$597,687.20	\$576,972.25	\$593,123.75
April	\$411,491.57	\$512,561.91	\$437,016.67	\$569,381.90
May	\$338,009.28	\$322,487.96	\$317,204.07	\$360,131.06
June	\$378,260.00	\$432,003.03	\$383,326.67	\$421,329.60
FM 13	\$6,175.21	(\$59,968.77)	(\$1,375.78)	



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**Board Statistics**

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

**Board Staffing**

The Board has one vacancy in the Licensing Unit. Efforts to fill this position are underway.

**Licensing Program**

The second quarter statistics reflect an overall increase in application volume. However, the LCSW and LEP examination applications decreased by 10% and 19% respectively.

Application type	Applications received (2 <sup>nd</sup> quarter)	Applications received prior report (1 <sup>st</sup> quarter)	Increase/Decrease
MFT Intern	1036	828	+25%
MFT Examination	698	547	+28%
ASW	819	483	+70%
LCSW Examination	403	447	-10%
LEP Examination	26	32	-19%
LPCC Intern	104	90	+16%
LPCC Examination *	13	11	+18%

\* Traditional path does not include grandparent pathway

The Board's current processing times are noted below. Figures below reflect processing times as of June 30, 2013.

License type	Current Processing Times	Previous report Processing Times	Increase/Decrease
MFT Intern	26 days	32 days	- 6 days
MFT Examination	202 days	197 days	+ 5 days
ASW	29 days	59 days	-30 days
LCSW Examination	200 days	167 days	+ 33 days
LEP Examination	62 days	96 days	-34 days
LPCC Intern	106 days	98 days	+ 8 days
CE Provider	110 days	119 days	- 9 days

The increased processing times reflect Board staff's efforts to assist with the BreEZe testing and reassignments.

**Examination Program**

A total of 2,443 examinations were administered in the first quarter. Ten examination development workshops were conducted April through June.

**Administration Program**

The cashiering unit is currently processing renewal applications within 7 days of receipt. All other applications are processed within 7 days of receipt.

**Enforcement Program**

The Enforcement staff received 235 consumer complaints and 246 criminal convictions representing a 3% and 23% increase respectively from the previous quarter. 487 cases were closed this quarter and 12 cases were referred to the Attorney General’s office for formal discipline.

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 Board’s current quarterly average is 947 days. It is important to note that this performance measure relies on the efficiency of outside state agencies such as the Office of Attorney General and the Office of Administrative Hearings.

**Customer Satisfaction Survey**

The first quarter reflects a decrease in all categories from the previous quarter.

Category	Current Quarter Rating (2 <sup>ND</sup> Qtr.)	Previous Quarter Rating (1 <sup>ST</sup> Qtr.)	Prior Year Rating (2 <sup>ND</sup> Qtr.)
Overall Satisfaction	3.0	3.5	2.8
Successful Service	45	76	49
Accessibility	2.0	3.4	2.6
Courtesy	3.0	4.1	3.7
Total Survey Responses	53	75	72



## Board of Behavioral Sciences Quarterly Statistical Report - as of June 30, 2013

### Introduction

This report provides statistical information relating to various aspects of the Board's business processes. Statistics are grouped by unit.

### 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

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Processed	1892	2401	2047	1735	2274	1881	1910	2653	16793
Received	1814	1197	1822	1939	2064	1918	1900	2560	15214
Proc Time	18	29	9	7	7	6	10	7	12

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

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Processed	5143	7618	7562	5864	6681	5270	4975	6721	49834
Received	5399	6543	6814	5922	6652	5503	5335	6181	48349
Proc Time	12	11	8	3	5	4	9	7	7

#### Initial Licenses Issued\*

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total
LCS	216	262	260	317	240	251	228	276	2050
LEP	28	18	12	23	27	13	18	12	151
LMFT	267	315	411	442	473	519	368	477	3272
PCE	35	51	77	86	52	53	49	73	476
LPCC			9	52	88	105	108	72	434

\*For MFT 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	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Received	210	259	237	222	174	253	274	251	228	235	2343
Closed without Assignment for Investigation	0	0	0	0	0	0	0	1	0	0	1
Assigned for Investigation	210	259	237	222	274	216	294	240	255	202	2409
Average Days to Close or Assigned for Investigation	5	4	4	3	5	6	8	7	8	6	+
Pending	0	0	0	0	0	37	17	30	4	35	35

Convictions/Arrest Reports	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Received	228	207	190	219	234	323	330	298	200	246	2475
Closed / Assigned for Investigation	228	208	190	219	234	323	330	298	199	247	2476
Average Days to Close	4	4	4	3	2	1	1	1	1	1	+
Pending	0	0	0	0	0	0	0	0	1	0	0

### Investigations\*\*

Desk Investigation	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Assigned	438	467	428	441	508	539	624	538	454	449	4886
Closed	495	580	489	416	461	562	578	522	428	475	5006
Average Days to Close	135	140	163	125	126	122	103	120	136	114	+
Pending	752	634	568	590	641	622	650	675	708	687	687

Field Investigation (Non-Sworn)	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Assigned	8	1	2	3	7	2	7	0	1	1	32
Closed	10	14	4	3	11	4	2	4	1	5	58
Average Days to Close	386	416	481	332	474	331	285	280	106	343	+
Pending	28	17	12	12	9	7	12	8	9	6	6

Field Investigation (Sworn)	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Assigned	2	12	5	6	4	3	6	4	9	1	52
Closed	4	6	8	6	7	7	6	1	4	7	56
Average Days to Close	362	450	582	294	407	388	563	264	480	320	+
Pending	18	24	21	20	16	12	11	15	20	14	14

All Investigations	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
First Assignments	438	467	428	441	508	539	624	538	454	449	4886
Closed	509	600	501	425	479	573	586	527	433	487	5120
Average Days to Close	142	149	172	129	138	127	108	121	139	119	+
Pending	798	675	601	622	666	641	673	698	737	707	707

### Enforcement Actions

	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
AG Cases Initiated	22	41	37	16	34	32	22	29	23	12	268
AG Cases Pending	138	157	163	160	167	169	160	151	139	130	130
SOIs Filed	8	2	7	6	3	10	9	2	9	6	62
Accusations Filed	18	14	24	18	21	20	21	20	15	16	187
Proposed/Default Decisions Adopted	12	5	11	2	9	10	7	11	9	6	82
Stipulations Adopted	12	14	16	15	11	11	17	14	18	11	139

Disciplinary Orders	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	24	19	27	17	20	21	24	25	30	17	224
Average Days to Complete***	911	776	855	960	973	858	806	804	897	947	+
Citations	Q111	Q211	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	YTD
Final Citations	9	15	14	11	8	49	16	36	18	3	179
Average Days to Complete****	306	269	288	262	362	97	134	80	287	435	+

#### 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.

### **LCSW Examination Eligibility Applications**

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received	346	309	385	409	370	363	447	403	3032
Approved	276	229	450	276	245	365	184	293	2318
Proc Time	88	103	85	95	111	134	177	297	136
Proc Time Less Def Lapse	54	71	61	52	78	104	137	159	90

### **LMFT Examination Eligibility Applications**

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received	525	450	575	622	556	577	547	698	4550
Approved	489	436	548	765	478	686	366	382	4150
Proc Time	170	176	179	139	135	146	178	202	166
Proc Time Less Def Lapse	155	158	168	130	115	129	154	179	149

### **LPCC Examination Eligibility Applications (Traditional Path)**

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received		17	23	16	20	20	11	13	120
Approved		0	1	4	11	15	13	11	55
Proc Time									
Proc Time Less Def Lapse									

### **LPCC Grandparenting Applications**

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
LMFT Received**		1171	868						2039
LMFT Approved*		0	195	234	174	196	48	110	957
LCSW Received**		86	72						158
LCSW Approved*		0	16	22	4	7	4	11	64
LMFT and LCSW Received**		1257	943						2200
LMFT and LCSW Approved*		0	212	256	178	202	52	121	1021
Non-BBS-Licensee Received**		627	608						1235
Non-BBS-Licensee Approved*		0	88	102	134	296	215	326	1161

\*Applications evaluated and sent a deficiency notice/made exam eligible

\*\*No LPCC Grandparenting applications were received after Q112 because the application deadline had passed.

### LEP Examination Eligibility Applications

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received	29	17	25	39	28	18	32	26	214
Approved	12	25	26	25	25	32	7	32	184
Proc Time	125	91	86	63	82	57	52	60	77
Proc Time Less Def Lapse	22	49	39	28	31	24	26	52	34

### ASW Registration Applications

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received	973	556	507	852	1063	521	483	819	5774
Approved	757	729	678	529	871	1002	418	508	5492
Proc Time	55	62	69	43	52	48	50	43	53
Proc Time Less Def Lapse	51	59	63	36	49	45	45	25	47

### MFT Intern Registration Applications

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received	1462	816	851	1003	1565	953	828	1036	8514
Approved	856	1101	980	1162	1251	998	852	799	7999
Proc Time	47	83	68	34	22	32	33	30	44
Proc Time Less Def Lapse	43	78	64	29	20	28	29	25	40

### LPC Intern Registration Applications

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total/Avg
Received		43	49	75	124	110	90	104	595
Approved		0	11	30	62	80	44	58	285
Proc Time			136	125	94	65	144	45	102
Proc Time Less Def Lapse			124	102	58	43	49	42	70

## Examination Unit

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

### Exam Administration

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213	Total
Total Exams Administered	1809	2063	1967	2470	2125	2511	2090	2443	17478
LCSW Written	427	466	515	603	435	525	499	436	3906
LCSW CV	332	392	316	402	323	372	324	407	2868
LMFT Written	557	598	575	748	691	789	721	855	5534
LMFT CV	446	578	480	580	487	610	416	599	4196
LPCC GAP (LMFT)		2	34	46	87	81	13	0	263
LPCC GAP (LCSW)		0	1	1	1	4	2	1	10
LPCC GP L&E		0	25	49	57	93	81	101	406
LPCC Traditional L&E					7	12	14	14	47
LEP	47	27	21	41	37	25	37	30	265

## Customer Satisfaction Survey

The Board maintains a Web based customer satisfaction survey.

	Q311	Q411	Q112	Q212	Q312	Q412	Q113	Q213
Overall Satisfaction <sup>a</sup>	2.5	2.6	3.0	2.8	3.0	2.8	3.5	3.0
Courtesy <sup>a</sup>	3.5	3.5	3.8	3.7	3.9	3.5	4.1	3.0
Accessibility <sup>a</sup>	2.1	2.3	2.8	2.6	2.7	2.6	3.4	2.0
Successful Service <sup>b</sup>	42	41	47	49	48	53	76	45
<b>Total Respondents</b>	<b>134</b>	<b>115</b>	<b>91</b>	<b>72</b>	<b>57</b>	<b>62</b>	<b>75</b>	<b>53</b>

<sup>a</sup> Average rating based on 1-5 scale (1=Unacceptable, 5=Excellent)

<sup>b</sup> Percent answered "Yes"

## Performance Measures

### Q4 Report (April - June 2013)

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.

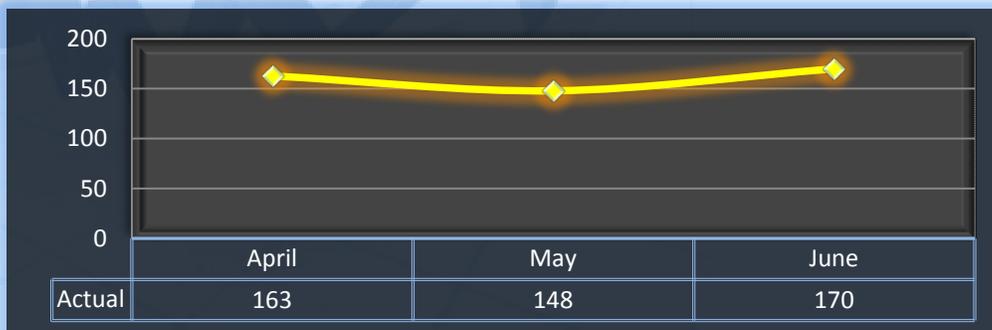
#### Volume

Number of complaints and convictions received.

**Q4 Total: 481**

*Complaints: 235 Convictions: 246*

**Q4 Monthly Average: 160**

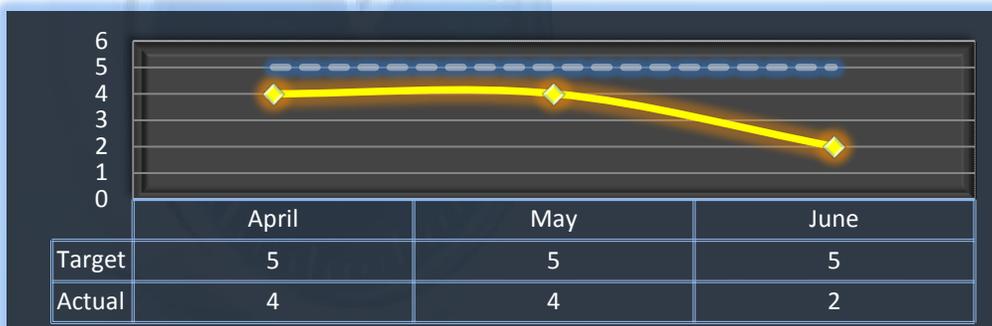


#### Intake

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

**Target: 5 Days**

**Q4 Average: 3 Days**

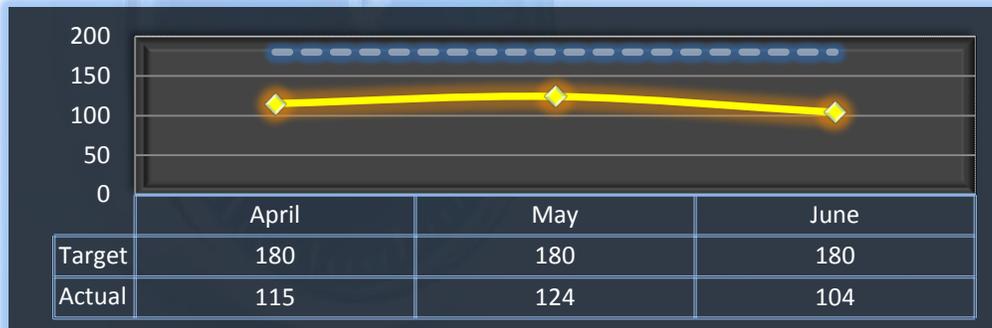


## Intake & Investigation

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**

**Q4 Average: 114 Days**

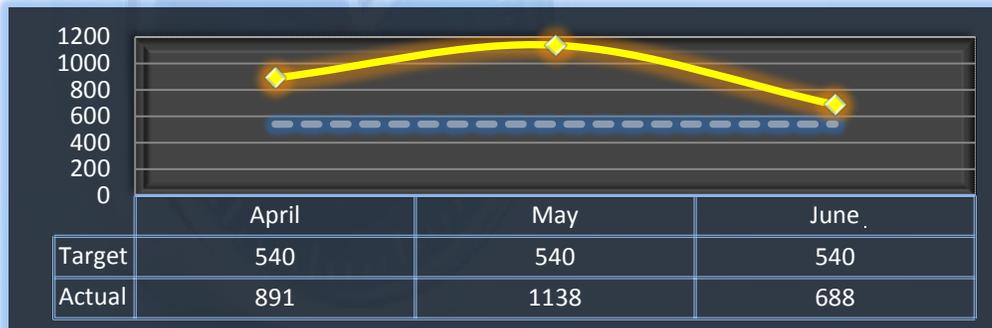


## Formal Discipline

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**

**Q4 Average: 905 Days**



## Probation Intake

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

**Target: 10 Days**

**Q4 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**

**Q4 Average: N/A**

*The Board did not report any probation violations this quarter.*

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**To:** Board Members

**Date:** August 5, 2013

**From:** Laurie Williams  
Personnel Liaison

**Telephone:** (916) 574-7850

**Subject: Personnel Update**

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### New Employees

Elizabeth (Lisa) Rangel was promoted to a Management Services Technician (MST) in the Licensing Unit effective June, 4, 2013. She will perform the duties of a Licensed Marriage and Family Therapist (LMFT) Evaluator. Currently, Lisa is working in the LMFT Unit on a part-time basis. Lisa will join the LMFT Unit full time once her commitment to the BreEZe project is finished. Lisa worked as one of the Board's cashiers prior to her appointment to the MST classification. Due to current operational needs the Board has decided to reclassify this cashiering position to function as an additional Licensed Clinical Social Worker (LCSW) and Associate Social Worker (ASW) Evaluator in the Licensing Unit.

Effective July 31, 2013, Melissa Lara has accepted a promotion to the Management Services Technician vacancy to perform the functions of a Licensing Clinical Social Worker and Associate Social Worker Evaluator. The Board now has two full-time and one part-time LCSW/ASW Evaluators. Thus, she will be vacating the Office Technician position that performs the duties of a Licensed Educational Psychologist that she has held with the Board since January 1, 2012.

Guadalupe (Lupe) Baltazar accepted an Office Technician part-time vacancy in the Enforcement Unit effective August 12, 2013. Lupe is new to state service and will perform the duties of the Board's Fingerprint Technician. She was previously employed by the County of Sacramento as an Office Assistant in the Mental Health Treatment Center. Lupe holds an A.S. Degree in Medical Billing from Western Career College.

### Departures

No departures at this time.

### Vacancies

Office Technician (OT) (full-time) in the Licensing Unit: This vacancy is to fill behind Melissa Lara. The OT will function as a Licensed Educational Psychologist Evaluator in the Licensing Unit. The Board will begin recruitment for this vacancy as soon as it receives approval from the Office of Human Resources.

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**To:** Board Members

**Date:** August 1, 2013

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject:** BreEZe Update

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During the week of June 24, 2013, Board staff participated in End to End testing of the BreEZe system. This test was considered successful in that no major defects were identified during the week of testing. Although some issues were identified during testing, the vendor quickly resolved these issues. More importantly, all testers were able to start and complete their assigned test scripts.

Following this event and review of the current project data, the BreEZe team announced a "Go Live" date of mid-September 2013 for all release one boards and bureaus. Currently, all Board testers are verifying that issues submitted for correction have been fixed and verifying the Board's data will convert to the new system correctly. Some Board records have been identified as ones that require corrections in order to convert over correctly. Staff will correct these records in the next few weeks.

Final testing of the BreEZe system, referred to as regression testing, will begin mid to late August 2013. During the two week regression testing period, Board staff will verify that the corrections to the system have been made; no other defects exist; and the system performs as expected. Provided that regression testing is successful, DCA will begin the final steps to transition to the BreEZe system.

The BreEZe team developed a timeline that specifies the steps necessary to implement the BreEZe system. Some of the steps will affect all DCA boards/bureaus. Below are key timelines during the transition.

- Early September 2013 – All release one boards/bureaus must complete and cease all cashiering transactions on a date specified by the BreEZe team. Cashiering transactions will resume after BreEZe goes live.
- Early September 2013 - All remaining DCA boards/bureaus must complete and cease cashiering transactions on a date specified by the BreEZe team. Cashiering transactions will resume after BreEZe goes live.
- Mid-September 2013 –DOJ fingerprint processing for all DCA boards/bureaus will cease on a date specified by the BreEZe team. Fingerprint processing will resume after BreEZe goes live.
- Mid-September 2013– All exam eligibility transactions to the testing vendor must be completed by 1:00 pm on a date specified by the BreEZe team. Exam eligibility transactions to the vendor will resume after BreEZe goes live.
- Mid-September 2013 – Five days prior to "Go Live" all current systems (ATS/CAS) will be down.

- Mid-September 2013 –Five days prior to “Go Live” the last licensing print file will be submitted to EDD. Printing of licenses and registrations will resume after BreEZe goes live. The Board will use the new print vendor Metro to print its licenses and registrations.
- Mid-September 2013– On line license verification will reflect status as of mid-September (date cashiering transactions cease). On line license verification with updated licensing information will resume after BreEZe goes live.
- 1 day prior to “Go Live” – Staff verifies data conversion occurred, data is correct, and the data system performs as expected. Staff will indicate “Go” or “No Go” based on their verification. Release one testers may arrive at DCA offices as soon as the BreEZe team notifies the tester the system is ready for verification. Verification must be completed within the time period specified by the BreEZe team.
- BreEZe “Go Live” date - Data system is operational and business will resume. If a “No Go” status is determined, BreEZe will not be operational and existing data systems will be restored at a time specified by the BreEZe team and DCA.

On the “Go Live” date, the online complaint feature will be available immediately. The online renewal feature will be implemented at a later date.

It should be noted that during the transition phase there are a series of milestones that must be reached in order to “Go Live” with the BreEZe system. If a milestone is not met, a decision to “go” or “no go” will be made by the BreEZe team and DCA.

#### Board Staff Preparation

Initial training on the BreEZe system was several months ago. Therefore, DCA is offering BreEZe refresher training to all staff. This training will focus on the basic operations within the BreEZe system. Currently, the Board cashiers are attending weekly training specific to cashiering. Additionally, Assistant Executive Officer Steve Sodergren is coordinating internal training for Board staff. This training will focus on the business processes specific to the Board.

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**To:** Board Members

**Date:** August 1, 21013

**From:** Paula Gershon  
Licensing Manager

**Telephone:** (916) 574-7830

**Subject:** Licensed Professional Clinical Counselor (LPCC) Program Update

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### **LPCC Intern Program (PCI)**

It is taking approximately 5 weeks to evaluate a PCI Intern Applications received at the Board. The PCI Evaluator is currently evaluating applications received late June.

To date the Board has issued 295 Professional Clinical Counselor Intern (PCI) Registrations.

### **LPCC Out-of-State Traditional Applications**

It is taking approximately 45 days to evaluate out-of-state traditional applications.

### **LPCC Grandparent Applications**

As previously noted, the Board received 3,433 applications for the two grandparent programs.

There were two different pathways to licensure in the LPCC Grandparent Program.

- The first pathway to licensure was for applicants who are currently licensed **LMFTs** or **LCSWs** in California. The Board received 2,196 applicants in this pathway and has evaluated 70% of these applications.
- The second pathway to licensure was for “**Non-California**” licensed applicants. We received 1,236 applicants in this pathway. The Board has completed the evaluations of the applications for this pathway and all applicants have been notified of their status.

See attached information sheet regarding the current status of the two LPCC Grandparent Programs.

# LPCC GRANDPARENT APPLICATIONS

## MFT/LCSW GRANDPARENT APPLICATIONS

- 2,196 applications received
- To date 1,557 (**71%**) applications have been evaluated.
- It is estimated that evaluations of these applications will be completed by 12/31/13.

## NON-BBS LICENSED GRANDPARENT APPLICATIONS

- 1,236 applications received
- All applications have been evaluated and applicants have been notified of their status.

## THE BOARD HAS ISSUED THE FOLLOWING:

- **PCI REGISTRATIONS – 295**
- **LPCC LICENSES - 458**

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**To:** Board Members

**Date:** August 6, 2013

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject: Out-of-State Education Review Committee Update**

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On June 28, 2013, the Out-of-State Education Review Committee met to continue discussions related to the challenges out-of-state applicants will encounter after 2014 and possible solutions.

The Committee inquired as to the number of out-of-state applications the Board receives each year. Staff estimated that approximately 10% of the Licensed Marriage and Family Therapist (LMFT) applications are from out-of-state. Approximately 35% of the Licensed Professional Clinical Counselor applications are from out-of-state applicants.

Board staff presented a comparison of LMFT and LPCC licensure requirements by state. This comparison reveals that each state, including California, requires a master's level or doctorate degree. Yet, an out-of-state applicant will not have the California specific education and will be required to remediate this coursework. As discussed during the April meeting, after 2014, out-of-state applicants will not be permitted to remediate required coursework through continuing education programs.

The Committee and stakeholders discussed continuing to allow out-of-state applicants to remediate coursework deficiencies through continuing education (CE) courses where applicable. Board staff noted that one semester unit or one quarter unit was equivalent to 15 hours. The Committee noted that allowing out-of-state applicants to remediate coursework through continuing education programs addressed two challenges; cost and time.

The Committee and stakeholders also discussed the idea of two pathways to licensure for an out-of-state applicant. Discussion focused on a pathway for an out-of-state licensed applicant and another pathway for an out-of-state applicant who was not licensed. Board staff suggested that out-of-state applicants follow the same requirements as in-state applicants based upon the date the applicant began and completed his/her degree program.

Overall the Committee and stakeholders expressed a desire to be consistent, where possible, in the proposed changes to both LMFTs and LPCCs.

The Committee requested staff draft language to present at the September meeting.

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**To:** Board Members

**Date:** August 9, 2013

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** Review of Board Sponsored and Monitored Legislation

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## BOARD-SPONSORED LEGISLATION

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The Board is sponsoring the following legislative proposals:

**AB 404 (Eggman): Retired Licenses**

This bill would clarify the law regarding eligibility for a retired license. The amendment would state that a licensee is eligible for a retired license if he or she holds a current, active license, or an inactive license, if the license is in good standing. It would also reduce the timeline allowed to restore a retired license to active status from five years to three years.

*Status: This bill is on third reading in the Senate.*

**AB 428 (Eggman): LMFT and LCSW Applicant Remediation of Coursework**

This bill would amend LMFT licensing law to allow an LMFT applicant whose degree is deficient in the alcoholism and other chemical substance dependency requirement, or the spousal or partner abuse assessment requirement, to remediate those deficiencies. Current law does not allow remediation. It would also amend LCSW licensing law to clarify that LCSW applicants may also remediate a deficiency in the spousal or partner abuse assessment coursework.

*Status: This bill is on third reading in the Senate.*

**AB 451 (Eggman): LMFT and LPCC Out-of-State Applicant Requirements**

Licensing requirements for out-of-state LMFT and LPCC applicants are set to change on January 1, 2014. However, the Board has concerns that the new out-of-state requirements may be too stringent, restricting portability of these license types to California.

This bill extends the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2016. This allows the Board additional time to carefully consider solutions to this problem which would increase portability of licenses while maintaining public protection. The Board has formed a special committee, which has been meeting to discuss this issue further.

*Status: This bill is on third reading in the Senate.*

**AB 958 (Jones): Child Custody Evaluators**

This bill would specify that the Board may access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law does not give the Board direct access to the child custody evaluation report. This leaves the Board unable to investigate allegations of unprofessional conduct of its licensees while they are serving as a custody evaluator, even though the Board is mandated to do so by law.

*Status: This is a two-year bill.*

**SB 821 (Senate Business, Professions, and Economic Development Committee): Omnibus Legislation**

This bill makes technical and non-substantive amendments to add clarity and consistency to current Board licensing law. It also extends the effective date of the exam restructure from January 1, 2014 to January 1, 2016.

*Status: This bill is in the Assembly Appropriations Committee.*

**BOARD-SUPPORTED LEGISLATION**

**AB 1057 (Medina): Professions and Vocations: Licenses: Military Service**

This bill would require all boards under DCA to ask on licensing applications if the individual applying for licensure is serving in or has served in the military.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Status: This bill is on third reading in the Senate.*

**SB 22 (Beall): Health Coverage: Mental Health Parity**

This bill would require health care plans and insurers to submit an annual report certifying that the plan is compliant with the mental health parity act.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Status: This bill is in the Assembly Appropriations Committee.*

**SB 126 (Steinberg): Health Care Coverage - Autism**

This bill would extend the requirement that health care service plans and health insurance policies provide coverage for behavioral health treatment for pervasive developmental disorder or autism, until July 1, 2019.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Status: This bill is in the Assembly Appropriations Committee.*

**SB 243 (Wyland): Professional Clinical Counselors**

This bill amends the requirements for an LPCC who opts to treat couples and families so that the required training and education in order to do this does not need to be in addition to the minimum training and education required for licensure.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Status: This bill is on third reading in the Assembly.*

**THE BOARD IS MONITORING THE FOLLOWING LEGISLATION:**

**AB 186 (Maienschein): Military Spouses: Temporary Licenses**

This bill requires a Board within DCA to issue a temporary license to an applicant who is eligible for, and requests, an expedited license. Such an applicant must be married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, and must hold a current license in the same profession in another state.

At its meeting on May 23, 2013, the Board took a “support if amended” position on this legislation, asking for the following amendments:

- An amendment requiring the applicant to provide a transcript to the Board;
- An amendment allowing delayed implementation to accommodate DCA’s BreEZE database system; and
- An amendment requiring the applicant to pass the California law and ethics examination prior to the issuance of the temporary license.

These requested amendments have not been made as of this date.

*Status: This is a two-year bill.*

**AB 213 (Loque): Licensure and Certification Requirements: Military Experience**

This bill, as of July 1, 2015, requires a board that accredits or approves schools offering education course credits toward licensing requirements to require a school seeking accreditation or approval to submit proof that it has procedures in place to evaluate an applicant’s military education, training and experience toward completion of an educational program designed to qualify a person for licensure.

The Board chose not to adopt a position on this bill at its May 23, 2013 meeting.

*Status: This is a two-year bill.*

**AB 252 (Yamada/Eggman): Social Workers**

This bill would limit the use of the title “social worker” to only those who hold a degree from an accredited school of social work.

At its May 23, 2013 meeting, the Board adopted a “support if amended” position on this bill, and requested that several specific amendments be made.

*Status: This is a two-year bill.*

**AB 376 (Donnelly): Regulations: Notice**

This bill would require a state agency enforcing a new regulation to notify all affected businesses 30 days before the regulation goes into effect.

The Board opted to take an “oppose” position on this bill at its May 23, 2013 meeting.

*Status: This is a two-year bill.*

**AB 512 (Rendon): Healing Arts: Licensure Exemption**

This bill would extend provisions allowing a health care practitioner who is licensed out-of-state to participate in a free, sponsored health care event in California. The provisions currently expire on January 1, 2014, and would be extended to January 1, 2018.

At its May 23, 2013 meeting, the Board took a “support if amended” position on this bill. The Board noted that it intent of this bill is to provide basic medical, dental, and vision services to the uninsured and

underinsured. However, licensees of the Board of Behavioral Sciences do not provide these basic services. Therefore, the Board asked the author to narrow the scope of this bill to exclude the Board of Behavioral Sciences.

Staff learned in subsequent conversations with the author's office that they do not intend to amend this bill, as they do not believe the Board is required to adopt regulations to implement the bill since it does not apply to its licensees' services.

*Status: This bill has passed both houses and has been sent back to the Assembly for concurrence.*

**AB 790 (Gomez) Child Abuse: Reporting**

This bill would the provision that allows a team of mandated reporters of suspected child abuse or neglect to designate one member to make a single mandated report. Therefore, all mandated reporters who obtain knowledge of suspected child abuse or neglect would be required to make their own report.

The Board opted to take no position on this bill at its May 23, 2013 meeting, but directed staff to provide technical support to the author's office on specified points. Staff has provided the author's office with the Board's feedback.

*Status: This bill is currently on the Senate Appropriations' suspense file.*

**AB 809 (Logue): Healing Arts: Telehealth**

This bill would allow the verbal consent to telehealth given by the patient at its initial use to apply in any subsequent use of telehealth.

The Board opted to take no position on this bill at its May 23, 2013 meeting.

*Status: This bill is currently in the Senate Committee on Health.*

**SB 282 (Yee): Confidential Medical Information: Required Authorization to Disclose**

This bill would extend a provision in law, currently in place for physicians and surgeons, to marriage and family therapists. The provision requires that a patient's demand for settlement or offer to compromise, be accompanied by authorization to disclose medical information to the insuring or defending organization.

At its May 23, 2013 meeting, the Board adopted a "support if amended" position on this bill, and requested that the Board's other license types be included.

*Status: This bill has been signed into law by the Governor. (Chapter 58, Statutes of 2013)*

**SB 578 (Wyland): Marriage and Family Therapists: Unprofessional Conduct**

This bill would add engaging in certain types of dual relationships with a patient to the list of provisions that may be considered unprofessional conduct for a marriage and family therapist licensee or registrant.

At its May 23, 2013 meeting, the Board adopted a "support if amended" position on this bill, requesting that a technical amendment be made.

*Status: This bill is currently in the Assembly Business, Professions, and Consumer Protection Committee.*

*Updated: July 22, 2013*

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www.bbs.ca.gov

**To:** Board Members

**Date:** July 22, 2013

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** Rulemaking Update

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## APPROVED REGULATORY PROPOSALS

### **Title 16, CCR Section 1833: Regulations to Implement SB 363 (Marriage and Family Therapist Intern Experience)**

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 amendment was approved by the Board at its meeting on November 9, 2011. This proposal also deletes an outdated provision in Section 1833 regarding crisis counseling on the telephone, which directly conflicts with telehealth provisions in LMFT licensing law. This amendment was approved by the Board at its meeting on February 29, 2012.

This proposal was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on July 15, 2013. It becomes effective on **October 1, 2013.**

### **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, which failed passage in 2011, was 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 OAL and filed with the Secretary of State on March 25, 2013. It became effective on **July 1, 2013.**

**Title 16, CCR Section 1888 and Disciplinary Guidelines**

This proposal makes several revisions to the Disciplinary Guidelines, which are incorporated by reference into Board regulations.

This proposal was approved by OAL and filed with the Secretary of State on April 2, 2013. It became effective on **July 1, 2013.**

**PENDING REGULATORY PROPOSALS**

**Title 16, CCR Sections 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877; Add Sections 1805.01, 1825, 1826, 1830, 1878: Regulations to Implement SB 704 (Examination Restructure)**

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 has been withdrawn and is on hold until further notice.

**Title 16, CCR Sections 1887, 1887.1, 1887.3, 1887.4, 1887.11; Add Sections 1887.41, 1887.42, 1887.43; Delete Sections 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.13, 1887.14: Continuing Education**

This proposal makes a number of changes to the Board's continuing education program. These changes are proposed based on the recommendations of the Board's Continuing Education Committee, which was formed in 2011 in response to a number of concerns raised about continuing education.

This proposal was approved by the Board at its meeting on February 28, 2013. Staff has made some additional changes to the proposed language and is seeking a second approval at this Board meeting. Once approval is obtained, staff will submit to OAL for publication in its Notice Register. This submittal will begin the 45-day public comment period.

**Title 16, CCR Section 1888 and Disciplinary Guidelines: SB 1441: Uniform Standards for Substance Abuse**

This is a regulatory proposal that the Department of Consumer Affairs (DCA) and the Legislature is asking all healing arts licensing boards to run. It creates uniform standards for discipline that the boards must abide by in cases of licensee or registrant substance abuse. This proposal was prompted by a concern at the Legislature that there is a lack of a consistent policy across DCA's healing arts boards for dealing with licensees or registrants who abuse drugs and alcohol.

This proposal was approved by the Board at its meeting on November 28, 2012. Next, staff will submit it to OAL for publication in its Notice Register, which will begin the 45-day public comment period.

**Title 16, CCR Section 1820.5; Add Sections 1820.6 and 1820.7: Requirements for Licensed Professional Clinical Counselors to Treat Couples or Families**

This proposal clarifies the law regarding requirements for LPCCs to treat couples and families. It also outlines a process by which LPCCs and PCC interns receive Board confirmation that they have met the requirements to treat couples and families.

This proposal was approved by the Board at its meeting on November 28, 2012. Next, staff will submit it to OAL for publication in its Notice Register, which will begin the 45-day public comment period.

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**To:** Board Members

**Date:** July 31, 2013

**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** Continuing Education Regulations

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## **Background**

For the past 18 months, the Board has undergone an extensive committee process to revise its regulations related to continuing education (CE).

The resulting proposed regulations remove the Board's authority to directly approve and license CE providers. Instead, the Board will recognize "approval agencies" that have already established stringent requirements for CE providers. The Board will also recognize a limited number of entities as CE providers, allowing these named entities to offer CE courses directly to Board licensees without approval from an approval agency.

## **History**

At its meeting on May 23, 2013, the Board approved the latest version of the CE regulations. However, additional changes are needed before the rulemaking proposal can be submitted to the Office of Administrative Law (OAL).

## **Proposed Regulatory Changes**

The additional changes needing Board approval are as follows:

- 1. Addition of Phase-Out Period.** A phase out period is needed for the Board's existing continuing education approval system. To address this, staff added a six month delayed implementation of the new regulations. Under this delayed implementation, the new CE approval system would go into effect **six months from the OAL-designated effective date of the new regulations.**

In addition, a new section, Section 1887.15, was added. This section specifies other details of the CE program transition period, including the date on which the Board will no longer accept CE provider applications, when the Board will cease CE provider renewals, and the time period during which Board licensees may submit CE credits from discontinued providers.

2. **Form Update.** Form 1800 37A-633 (Rev. 3/10), referenced in Section 1887.7 was revised in January 2011 with some formatting changes. A change was made to incorporate this new version by reference.
3. **CE Credit for Enforcement Case Review or Examination Development.** Section 1887.3 items (h) through (k) specify various enforcement case review and examination development activities for which a licensee may gain six hours of CE credit. Each section has been amended to clarify that the six hours of CE credit may only be used to satisfy the law and ethics portion of the CE requirement.
4. **Insert Underline and Strikeouts.** Underlines and strikeouts have been added to the proposed language to show where old language is being deleted, and where new language has been added.
5. **Addition of Authority and Reference.** The required authority and reference text has been added to Sections 1887.41, 1887.42, and 1887.43.

### **Recommendation**

Conduct an open discussion about the additional proposed changes. Direct staff to make any discussed changes, and any non-substantive changes, and to pursue a regulatory proposal.

### **Attachments**

**Attachment A:** Proposed regulatory amendments

**ATTACHMENT A**  
Amended Language for Continuing Education Requirements

**ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND  
FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED  
EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL  
COUNSELORS**

**§1887. DEFINITIONS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.
- (b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).
- (c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.
- (d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.
- (e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

Note: Authority Cited: Sections 4980.60, 4989.34, 4999.76 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76 Business and Professions Code.

**§1887. DEFINITIONS; OPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in

length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider.

(b) A “provider” means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.

(c) An “initial renewal period” means the period from issuance of an initial license to the license’s first expiration date.

(d) A “renewal period” means the two-year period which spans from the effective date of the license to the expiration date.

(e) An “approval agency” means an organization recognized by the board which evaluates and approves providers of continuing education, evaluates and approves the courses offered by each approved provider, and monitors the quality of each approved continuing education course.

Note: Authority Cited: Sections 4980.60, 4989.34, 4999.76 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76 Business and Professions Code.

## **§1887.1. LICENSE RENEWAL REQUIREMENTS**

(a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

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

~~(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed eighteen (18) hours of continuing education.~~

~~(2) On and after January 1, 2013 licensees shall meet all of the requirements of subdivisions (a) and (b).~~

~~Note: Authority Cited: Sections 4980.60, 4989.34 4990.20, and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4989.34, - 4996.22 and 4999.90 Business and Professions Code.~~

**§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS:**  
*INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)*

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.
- ~~(b) A licensed educational psychologist that renews his or her license beginning January 1, 2012 and through December 31, 2012 shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal.~~
- (c) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (d) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception – Licensee Application,” Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:
- (A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to his or her military service;
- (B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee’s previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception – Verification of Disability or Medical Condition,” Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority Cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 4999.76, Business and Professions Code.

**§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS;  
OPERATIVE (OAL to insert date – date is 6 months after effective date of  
these regulations)**

- (a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.
- (b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.
- (c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception – Licensee Application,” Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.
- (1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:
- (A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to his or her military service;
- (B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception – Verification of Disability or Medical Condition,” Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.

Note: Authority Cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 4999.76, Business and Professions Code.

**§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS; INOPERATIVE**  
**(OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.
- (b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the adoption effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license ~~on and after January 1, 2004~~ shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (h) Provisions of this section shall apply to licensed educational psychologists as follows:
  - (1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen ~~—~~(18) hours of continuing education prior to his or her license renewal, in

accordance with subdivision (d) through (g).

- (2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76 Business and Professions Code.

**§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS; OPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4.
- (b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.
- (e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.
- (f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.
- (g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

- (h) A licensee who attends the board enforcement case review training may be awarded up to six hours of continuing education every renewal cycle. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics requirement during a given renewal period.
- (i) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six hours of continuing education per renewal cycle. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics requirement during a given renewal period.
- (j) A licensee who participates in a board examination development workshop may be awarded six hours of continuing education every renewal period. The continuing education hours earned by participating in a board examination development may only be used to satisfy the law and ethics requirement during a given renewal period.
- (k) A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six hours of continuing education every renewal cycle. The continuing education earned by participating in a professional organization's law ethics review committee may only be used to satisfy the law and ethics requirement during a given renewal period.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76 Business and Professions Code.

**§1887.4. CONTINUING EDUCATION COURSE CONTENT; INOPERATIVE**  
**(OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.
  - (1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).
  - (2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).
- (b) A provider shall ensure that a course has specific objectives that are measurable.
- (c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4996.22, 4989.34, and 4999.76, Business and Professions Code.

**§1887.4. CONTINUING EDUCATION COURSE CONTENT; OPERATIVE**

**(OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.
- (b) The content of the course shall be based upon methodological, theoretical, research, or practice knowledge base and:
- (1) Demonstrate credibility through the involvement of the broader mental health practices, education, and science communities in studying or applying the findings, procedures, practices or theoretical concepts; or
  - (2) Has been supported using established research procedures and scientific scrutiny; or
  - (3) Is related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.
- (c) Each continuing education course shall have:
- (1) written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course;
  - (2) an evaluation mechanism that allows each participant to evaluate the continuing education course;
  - (3) a syllabus which provides a general outline of the course. The syllabus shall contain at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and
  - (4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.
- (d) Courses shall not predominately reflect the commercial views of the provider or any person giving financial assistance to the provider.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4996.22, 4989.34, and 4999.76, Business and Professions Code.

**1887.41. BOARD RECOGNIZED APPROVAL AGENCIES; OPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) The following are Board recognized approval agencies:
- (1) National Association of Social Workers (NASW)
  - (2) Association of Social Work Boards (ASWB)
  - (3) National Board of Certified Counselors (NBCC)
  - (4) National Association of School Psychologists (NASP)
  - (5) American Psychological Association (APA)
- (b) The Board may recognize other entities as approval agencies if the entity can demonstrate

in writing the following:

- (1) The entity is an organization that represents a licensed health care profession; and
  - (2) The entity has a documented Code of Ethics.
  - (3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:
    - a. Maintaining and managing records and data related to continuing education programs.
    - b. Monitoring and approving continuing education providers and courses.
  - (4) The entity has policies to avoid a conflict of interest between any provider and approval functions.
  - (5) The entity has the capacity to evaluate courses to ensure compliance with Section 1887.4
  - (6) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.
- (c) Failure of the entity to substantially comply with the provisions as set forth in Section 1887.42 shall constitute cause for revocation of recognition by the board. Recognition can be revoked only by a formal board action, after notice and hearing, and for good cause.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**1887.42. APPROVAL AGENCIES RESPONSIBILITIES; OPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) Board recognized approval agencies shall:
- (1) Evaluate each continuing education provider seeking approval in accordance with the provider's ability to comply with the requirements of section 1887.43 of this Section.
  - (2) Maintain a list of the name and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person's identity shall be reported to the approval agency within 15 days of the effective date of the change.
  - (3) Provide the Board with the names, addresses and responsible party of each provider upon request.
  - (4) Respond to complaints from the Board, providers or from licensees concerning activities of any of its approved providers or their courses.
  - (5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the Board

and, upon request, report the findings of such reviews to the Board.

(6) Take action as is necessary to assure that the continuing education coursework offered by its providers meets the continuing education requirements of the Board; and

(7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**§1887.43. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES; OPERATIVE**  
**(OAL to insert date – date is 6 months after effective date of these regulations)**

(a) Persons or entities that provide continuing education shall be;

(1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or

(2) a board-recognized approval agency or a continuing education provider that has been approved or registered by a board recognized approval agency for continuing education; or

(3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

a. American Association for Marriage and Family Therapy (AAMFT)

b. American Association for Marriage and Family Therapy-California Division (AAMFT-CA)

c. California Association for Licensed Professional Clinical Counselors (CALPCC)

d. California Association of Marriage and Family Therapists (CAMFT)

e. National Association of Social Workers-California Chapter (NASW-CA)

f. California Society for Clinical Social Work (CSCSW)

g. California Association of School Psychologists (CASP)

h. California Psychological Association (CPA)

i. California Counseling Association (CCA)

j. American Counseling Association (ACA)

(b) Providers shall ensure that each continuing education course complies with the requirements of Section 1887.4

(c) Providers shall furnish each licensee a record of course completion as defined in Section 1887.11.

(d) Providers shall maintain records of completion of their continuing education courses for four (4) years as defined in Section 1887.12(b). Credit hours awarded shall be in compliance with 1887.5 of this Section.

(e) Providers shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.

- (f) Providers shall not discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) The provider shall not promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Providers must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency or professional association;
- (i) Providers must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When an approved provider works with others on the development, distribution, and/or presentation of continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Providers are responsible for meeting all applicable local, state and federal standards which include, but are not limited to, the Americans with Disabilities Act.
- (l) Upon written request from the approval agency or the board, relating to an audit of course material, each approved provider shall submit such materials as are required by the approval agency or the board.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

## **§1887.5. HOURS OF CONTINUING EDUCATION CREDIT**

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

## **§1887.6. CONTINUING EDUCATION PROVIDERS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

A continuing education course shall be taken from:

- (a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or
- (b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

**§1887.7. BOARD-APPROVED PROVIDERS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.
- (b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800 37A-633, Rev. ~~03/401/11~~), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.
- (c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.
- (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.
- (e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.
- (f) Board-approved provider numbers are non-transferable.
- (g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:
  - (1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;
  - (2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or
  - (3) a provider makes a material misrepresentation of fact in information submitted to the

board.

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

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**§1887.9. COURSE ADVERTISEMENTS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

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

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for \_\_\_\_\_ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**§1887.10. COURSE INSTRUCTOR QUALIFICATIONS; INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)**

- (a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:
  - (1) a license, registration, or certificate in an area related to the subject matter of the course.

The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;

(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;

(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or

(4) at least two years' experience in an area related to the subject matter of the course.

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

**§1887.11. RECORDS OF COURSE COMPLETION; *INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)***

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

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) provider number, if a board-approved provider;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**§1887.11. RECORDS OF COURSE COMPLETION; *OPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)***

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

following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) approval agency provider identification, or name of the board recognized provider offering the course;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

## **§1887.12. LICENSEE AND PROVIDER COURSE RECORDS**

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

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

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

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

## **1887.13 RENEWAL OF EXPIRED APPROVAL; INOPERATIVE (OAL to insert date –**

*date is 6 months after effective date of these regulations)*

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

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, and 4999.76, Business and Professions Code.

**1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL; *INOPERATIVE (OAL to insert date – date is 6 months after effective date of these regulations)***

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

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

Note: Authority Cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

**1887.15 TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM**

- (a) Entities wishing to become recognized by the Board as an approval agency may submit documentation demonstrating compliance with Section 1887.41 to the Board effective *(OAL to insert date that regulatory proposal goes into effect)*.
- (b) Effective *(OAL to insert date regulation package goes into effect)*, the Board will cease accepting applications for Board approved continuing education providers.
- (c) Effective January 1, 2015, all Board approved continuing education provider numbers will no longer be renewed.
- (d) Notwithstanding any other provision of this article, Board approved continuing education

providers may continue to provide continuing education coursework until the expiration of their continuing education provider number.

(e) Board licensees may be credited with continuing education credits from Board approved continuing education providers if all of the following criteria are satisfied:

- i. The Board approved continuing education provider's Board-issued provider number was not expired at the time that the course was taken; and
- ii. The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as written prior to ***(OAL to insert the effective date of this regulation package)***.

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**Board of Behavioral Sciences**  
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834  
 Telephone: (916) 574-7830 TTY: (800) 326-2297  
 www.bbs.ca.gov



## CE PROVIDER APPLICATION INSTRUCTIONS

SUBMIT YOUR COMPLETED APPLICATION AND FEE TO THE:

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

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

INSERT

## INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

The information provided on this application is maintained by the Executive Officer of the Board of Behavioral Sciences, 1625 North Market Blvd., Suite S200, Sacramento, CA 95834, under the authority granted by the Business and Professions Code, Division 2, Chapter 13, Article 1, Section 4980.54, Chapter 14, Article 4, Section 4996.22 and Chapter 16, Article 4, Section 4999.76.

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

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

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

INSERT



Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
www.bbs.ca.gov



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

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

For Office Use Only:

Cashiering No.: \_\_\_\_\_

File No. \_\_\_\_\_

Approval No.: \_\_\_\_\_

1. PROVIDER NAME (limited to 40 characters)
2. BUSINESS PHONE NUMBER
3. MAILING ADDRESS (street address, city, state, zip)
EMAIL OR WEBSITE ADDRESS (optional) TAXPAYER ID NUMBER WILL OFFER ON-LINE COURSES
YES [ ] NO [ ]
4. ORGANIZATION TYPE (select one)
[ ] association [ ] 4-yr institution of higher learning [ ] non-profit corporation
[ ] licensed health facility [ ] other educational organization [ ] partnership
[ ] governmental agency [ ] corporation [ ] individual:
[ ] other (please specify): TYPE: \_\_\_\_\_ LIC. # \_\_\_\_\_
5. HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD BEFORE? YES [ ] NO [ ]
IF APPROVED, PCE # \_\_\_\_\_ IF DENIED, DATE OF DENIAL \_\_\_\_\_
6. CE COORDINATOR NAME 7. CE COORDINATOR PHONE NUMBER
8. COURSE SUBJECT MATTER (list subject matter - attach course outlines and an explanation of how each course relates to the scope of practice for LCSWs, LPCCs or MFTs)
9. INSTRUCTOR QUALIFICATIONS (check all that apply - attach instructor resumes)
[ ] license, registration, or certificate in an area related to the course subject matter
[ ] master's or higher degree in an area related to the course subject matter
[ ] training, certification, or teaching experience in subject matter related to the course subject matter
[ ] at least 2 years' experience in an area related to the course subject matter
[ ] other (please specify):
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
CE Coordinator Signature Date

- PLEASE ALLOW 6 TO 8 WEEKS FOR PROCESSING

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DELETE



### Board of Behavioral Sciences

1625 North Market Blvd., Suite S200, Sacramento, CA 95834  
 Telephone: (916) 574-7830 TTY: (800) 326-2297

[www.bbs.ca.gov](http://www.bbs.ca.gov)



## CONTINUING EDUCATION (CE)

### PROVIDER APPLICATION

**\$200 FEE (Non-refundable)**

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

For Office Use Only:

Cashiering No.: \_\_\_\_\_

File No. \_\_\_\_\_

Approval No.: \_\_\_\_\_

1. PROVIDER NAME <i>(limited to 40 characters)</i>		2. BUSINESS PHONE NUMBER (    )	
3. MAILING ADDRESS <i>(street address, city, state, zip)</i>			
EMAIL OR WEBSITE ADDRESS (optional)	TAXPAYER ID NUMBER	WILL OFFER ON-LINE COURSES YES <input type="checkbox"/> NO <input type="checkbox"/>	
4. ORGANIZATION TYPE <i>(select one)</i>			
<input type="checkbox"/> association	<input type="checkbox"/> 4-yr institution of higher learning	<input type="checkbox"/> non-profit corporation	
<input type="checkbox"/> licensed health facility	<input type="checkbox"/> other educational organization	<input type="checkbox"/> partnership	
<input type="checkbox"/> governmental agency	<input type="checkbox"/> corporation	<input type="checkbox"/> individual:	
<input type="checkbox"/> other <i>(please specify):</i>		TYPE: _____ LIC. # _____	
5. HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD BEFORE? YES <input type="checkbox"/> NO <input type="checkbox"/>			
IF APPROVED, PCE # _____		IF DENIED, DATE OF DENIAL _____	
6. CE COORDINATOR NAME		7. CE COORDINATOR PHONE NUMBER (    )	
8. COURSE SUBJECT MATTER <i>(list subject matter - attach course outlines and an explanation of how each course relates to the scope of practice for LCSWs, LPCCs or MFTs)</i>			
9. INSTRUCTOR QUALIFICATIONS <i>(check all that apply - attach instructor resumes)</i>			
<input type="checkbox"/> license, registration, or certificate in an area related to the course subject matter			
<input type="checkbox"/> master's or higher degree in an area related to the course subject matter			
<input type="checkbox"/> training, certification, or teaching experience in subject matter related to the course subject matter			
<input type="checkbox"/> at least 2 years' experience in an area related to the course subject matter			
<input type="checkbox"/> other <i>(please specify):</i>			
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
_____ CE Coordinator Signature		_____ Date	

**- PLEASE ALLOW 6 TO 8 WEEKS FOR PROCESSING -**

DELETE

## CE PROVIDER APPLICATION INSTRUCTIONS

SUBMIT YOUR COMPLETED APPLICATION AND FEE TO THE:

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

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

### **INFORMATION COLLECTION, ACCESS, AND DISCLOSURE**

The information provided on this application is maintained by the Executive Officer of the Board of Behavioral Sciences, 1625 North Market Blvd., Suite S200, Sacramento, CA 95834, under the authority granted by the Business and Professions Code, Division 2, Chapter 13, Article 1, Section 4980.54, Chapter 14, Article 4, Section 4996.22 and Chapter 16, Article 4, Section 4999.76.

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

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

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

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

**To:** Board Members

**Date:** August 1, 2013

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject:** Update on the California Marriage and Family Therapy Occupational Analysis and  
Collaboration with the Association of Marital and Family Therapy Regulatory Boards

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Dr. Tracy Montez from Applied Measurement Services LLC, will provide an update regarding the California Marriage and Family Therapy Occupational Analysis and the collaboration with the Association of Marital and Family Therapy Regulatory Boards.

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# Memo

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[www.bbs.ca.gov](http://www.bbs.ca.gov)

**To:** Board Members

**Date:** August 6, 2013

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject:** **BreEZe Presentation**

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Assistant Executive Officer Steve Sodergren will present a demonstration of the BreEZe data system.

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# Memo

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**To:** Board Members

**Date:** August 1, 2013

**From:** Kim Madsen

**Telephone:** (916)574-7841

**Subject:** Office of Professional Services Presentation

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Amy Welch-Gandy and Nicole Woods, from the Office of Professional Services, will provide an overview of the Board's examination development and testing process.

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**To:** Board Members

**Date:** August 1, 2013

**From:** Kim Madsen  
Executive Officer

**Telephone:** (916) 574-7841

**Subject:** **2014 Board and Committee Meeting Dates**

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Below are the meeting dates and locations for 2014.

#### Board Meetings

March 5-6, 2014	Sacramento, California
May 21-22, 2014	Southern California
August 20-21, 2014	Sacramento, California
November 19-20, 2014	Southern California

#### Policy and Advocacy Committee Meetings

February 6, 2014	Sacramento, California
April 3, 2014	Sacramento, California
August 1, 2014	Sacramento, California
September 26, 2014	Sacramento, California

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