Board of Behavioral Sciences

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BOARD MEETING NOTICE
October 22, 2015
8:30 a.m.

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., 1st Floor
Sacramento, CA 95834

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.

FULL BOARD OPEN SESSION - Call to Order and Establishment of Quorum

I. Petition for Modification of Probation for Traci Bianchi Templin, IMF 80402

II. Petition for Modification of Probation for Jeremy Wittman, IMF 66456

III. Petition for Early Termination of Probation for Daniel Ranson, LCSW 67160

IV. Petition for Early Termination of Probation for Gary Ventimiglia, LMFT 21132

V. Discussion and Possible Action Regarding the 2015 Sunset Review Report

VI. Public Comment for Items not on the Agenda

VII. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

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

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

FULL BOARD OPEN SESSION

IX. Adjournment

Introductions are voluntary for members of the public.

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

This agenda as well as board meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

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

CALIFORNIA BOARD OF BEHAVIORAL SCIENCES

2015 SUNSET REVIEW REPORT

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS, AND ECONOMIC DEVELOPMENT AND THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

DECEMBER 1, 2015

California

Board of Behavioral Sciences

Board Members

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Samara Ashley, Public Member
Dr. Scott Bowling, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Elizabeth (Betty) Connolly, LEP Member
Sarita Kohli, LMFT Member
Patricia Lock-Dawson, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member

Executive Staff

Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer

Additional copies of this report can be obtained at: www.bbs.ca.gov

Board of Behavioral Sciences
1625 North Market Boulevard, S200
Sacramento, CA 95834
Phone: (916) 574-7830
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Table of Contents

Background and Description of the Board and Regulated Profession 5
History and Function of the Board 5
Board Committees 6
Describe the make-up and functions of each of the board's committees 6
Board Member Meeting and Committee Attendance 7
Board Member and Committee Roster 29
Major Changes since the Last Sunset Review 30
Legislation Sponsored by the Board 31
Regulation Changes Approved by the Board since the Last Sunset Review 39
Major Studies Conducted by the Board 42
National Association Activity 42
National Examination Activity 43
Performance Measures and Customer Satisfaction Surveys 44
Quarterly and Annual Performance Measures 44
Customer Satisfaction Survey 44
Fiscal and Staff 46
Fiscal Issues 46
Program Expenditures 47
License and Renewal Fees 49
Budget Change Proposals 60
Staffing Issues 62
Licensing Program 65
Licensing Performance Targets and Activity 65
Licensing Activity 67
Verification of Applicant Information 75
Licensure Requirements 76
Examinations 81
School Approvals 84
Continuing Education and Competency Requirements 85
Enforcement Program 90
Enforcement Performance Targets 90

Citation and Fine 99
Cost Recovery and Restitution 101
Public Information Policies 103
Online Practice Issues 105
Workforce Development and Job Creation 105
Current Issues 108
Board Action and Response to Prior Sunset Issues 109
New Issues 122
Attachments 126

BOARD OF BEHAVIORAL SCIENCES
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2015

Section 1
Background and Description of the Board and Regulated Profession

History and Function of the Board

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The Board of Behavioral Sciences (Board) is one of the forty regulatory entities within the Department of Consumers Affairs (DCA). The Board licenses and regulates Licensed Clinical Social Workers (LCSW), Licensed Marriage and Family Therapists (LMFT), Licensed Educational Psychologists (LEP), and Licensed Professional Clinical Counselors (LPCC). Additionally, the Board registers Associate Social Workers (ASW), Marriage and Family Therapist Interns (MFT Interns), Professional Clinical Counselor Interns (PCC Interns), and Continuing Education Providers. As of June 30, 2015 the Board discontinued the registration of Continuing Education Providers.

The Board's mission is to protect and serve Californians by setting, communicating, and enforcing standards for safe and competent mental health practice. The Board's vision is to ensure that Californians are able to access the highest-quality mental health services. To this end, the Board develops and administers licensure examinations; investigates consumer complaints and criminal convictions; responds to emerging changes and trends in the mental health profession legislatively or through regulations; and creates informative publications for consumers, students, and licensees.

The Board's statutes and regulations require licensure before an individual may engage in the practice of Licensed Clinical Social Work, Licensed Marriage and Family Therapy, Licensed Educational Psychology, and Licensed Professional Clinical Counseling. These statutes and regulations set forth the requirements for registration and licensure and provide the Board the authority to discipline a registration or license.

Seventy years ago, legislation signed on July 18, 1945 by Governor Earl Warren created the Board of Social Work Examiners under the Department of Professional and

Vocational Standards (renamed the Department of Consumer Affairs in 1970). California became the first state to register social workers. The legislation created a seven member board to represent both consumers and the profession. At least two of the members were required to be "lay persons". All Board members were appointed by the Governor. During the first sixteen months of its existence, the Board registered 4,098 social workers. The intent of the registration was to identify competent professionals who were working for higher standards and services to the public.

A 1962 California State Assembly investigation regarding the fraudulent practice of marriage counseling contributed to the 1963 creation of the Marriage, Family, and Child Counselor Act. Under this Act, the Board of Social Work Examiners received the responsibility of licensing and regulating Marriage, Family, and Child Counselors. Soon after the addition of Marriage, Family, and Child Counselors, the Board of Social Work Examiners was renamed the Social Worker and Marriage Counselor Qualifications Board.

After 1969, anyone who wanted to practice clinical social work was required to hold a license. The addition of Licensed Educational Psychologists in 1970 to the Board's regulatory responsibilities inspired a new name, the Board of Behavioral Sciences Examiners. In 1997, the Board of Behavioral Sciences Examiners was officially changed to its present name, the Board of Behavioral Sciences.

In 2010, a fourth mental health profession, Licensed Professional Clinical Counselor, was added to the Board's jurisdiction. Today, the Board is responsible for the regulatory oversight for over 102,000 licensees. Current law provides for thirteen board members comprised of six licensees and seven public members. Eleven members are appointed by the Governor and are subject to Senate Confirmation. One public member is appointed by the Speaker of the Assembly, and one public member is appointed by the Senate Rules Committee.

Board Committees

Describe the make-up and functions of each of the board's committees

The Board has one standing committee, the Policy and Advocacy Committee. The Policy and Advocacy Committee is comprised of four board members. The work of the committee is focused on proposed legislation, proposed regulations, and legislative and regulatory changes that respond to emerging trends or concerns in the mental health profession that may affect the Board's licensees and registrants.

A previous standing committee was the Board's former Continuing Education Appeal Committee. The committee was comprised of three board members and hearings occurred during regularly scheduled board meetings. During these hearings applicants,

whose application to become a Continuing Education Provider was denied, provided additional information in support of their application. The Committee then determined whether or not to approve the application. This committee no longer exists as a result of the changes to the Board's Continuing Education Program.

The Board also uses Ad-Hoc committees to address specific topic areas. Examples include the Continuing Education Review Committee, the Out of State Education Committee, the Examination Program Review Committee, and the Supervision Committee. Ad-Hoc committees are usually comprised of two to three members and each meeting is publicly noticed and may be webcasted.

Ad-Hoc committees hold a series of meetings with stakeholders and interested parties to discuss a single topic and develop recommendations to present to the Board. Currently, the Board has one active Ad-Hoc Committee, the Supervision Committee. The Supervision Committee is reviewing current supervision requirements and discussing possible solutions to improve and streamline the licensure requirements without compromising consumer protection.

Frequently, committee meetings are held in Sacramento, California. However, some committee meeting locations are rotated between Northern California and Southern California to increase stakeholder participation in the discussion. For example, the current Supervision Committee holds meetings in both Northern and Southern California.

Board Member Meeting and Committee Attendance

Samara Ashley, Public Member			
Date Appointed: Date Reappointed: Term Expires:	January 21, 2010 July 12, 2013 June 1, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	N
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	N
	May 20	Santa Ana	N
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	N
	August 28	Sacramento	Y

Samara Ashley, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	N
	August 6	Sacramento	N
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	N
	May 22	Garden Grove	N
	May 23	Garden Grove	N
	August 21	Sacramento	N
	August 22	Sacramento	N
	August 23	Sacramento	N
	September 27	Sacramento	Y
	October 21	Teleconference	N
	November 20	Riverside	N
	November 21	Riverside	N
Board Meetings 2012	July 19	Sacramento	N

Dr. Scott Bowling, Public Member			
Date Appointed: Term Expires:	September 11, 2014 June 1, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	N
	February 25	Sacramento	N
	February 26	Sacramento	N
	April 8	Teleconference	N
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	N
	August 28	Sacramento	Y
Board Meetings 2014	October 7	Teleconference	N

Dr. Leah Brew, LPCC Member			
Date Appointed: Term Expires:	August 18, 2012 June 1, 2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	N
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Supervision Committee 2015	January 30	Sacramento	Y
	April 10	Costa Mesa	Y
	June 26	Costa Mesa	Y
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	N
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	N
	November 19	Riverside	Y
	November 20	Riverside	Y
Supervision Committee 2014	April 4	Sacramento	Y
	June 27	Chatsworth	Y
	August 29	Sacramento	Y
	October 24	Chatsworth	Y

Dr. Leah Brew, LPCC Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	Y
Policy & Advocacy Committee 2013	January 31	Sacramento	Y
Board Meetings 2012	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y

Deborah Brown, Public Member			
Date Appointed: Date Reappointed: Term Expires:	August 23, 2012 July 2, 2013 June 1, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	N
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Policy & Advocacy Committee 2015	April 23	Sacramento	Y
	August 7	Sacramento	Y

Deborah Brown, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	N
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	N
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	N
	November 19	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2014	September 18	Sacramento	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	N
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	N
	November 20	Riverside	Y
	November 21	Riverside	Y
Out-of-State Education Review Committee 2013	April 26	Sacramento	Y
	June 28	Sacramento	Y
	September 27	Sacramento	Y
	November 21	Riverside	Y
Board Meetings 2012	November 8	San Diego	N
	November 28	Claremont	Y
	November 29	Claremont	Y

Dr. Peter Chiu, Public Member			
Date Appointed: Date Reappointed: Term Expires:	October 30, 2013 June 3, 2015 June 1, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	N
	July 11	Teleconference	N
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	N
	November 20	Riverside	Y
Board Meetings 2013	November 20	Riverside	Y
	November 21	Riverside	Y

Eileen Colapinto, Public Member			
Date Appointed: Term Expired:	August 22, 2012 June 1, 2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	N
	March 5	Sacramento	N
	March 6	Sacramento	N
	May 21	Orange	Y
	May 22	Orange	N
	June 26	Teleconference	N
Board Meetings 2013	February 27	Sacramento	N
	February 28	Sacramento	N
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	N
	August 22	Sacramento	N
	August 23	Sacramento	N
	September 27	Sacramento	N
	October 21	Teleconference	N
	November 20	Riverside	Y
	November 21	Riverside	Y
Board Meetings 2012	August 23	Sacramento	N
	November 8	San Diego	N
	November 28	Claremont	Y
	November 29	Claremont	Y

Elizabeth (Betty) Connolly, LEP Member			
Date Appointed: Term Expires:	August 22, 2012 June 1, 2016		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Supervision Committee 2015	January 30	Sacramento	Y
	April 10	Costa Mesa	Y
	June 26	Costa Mesa	Y
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	N
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y

Elizabeth (Betty) Connolly, LEP Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Supervision Committee 2014	April 4	Sacramento	Y
	June 27	Chatsworth	Y
	August 29	Sacramento	Y
	October 24	Chatsworth	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	Y
Board Meetings 2012	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y

Dr. Harry Douglas, Public Member			
Date Appointed: Date Reappointed: Date Resigned:	May 14, 2009 July 11, 2011 July 18, 2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	N
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	N
	July 11	Teleconference	N

Dr. Harry Douglas, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	N
	October 21	Teleconference	Y
	November 20	Riverside	N
	November 21	Riverside	N
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y
CE Provider Review Committee 2012	October 4	Sacramento	Y
	December 6	Sacramento	Y

Linda Forster, Public Member			
Date Appointed: Date Resigned:	August 22, 2012 January 23, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2013	February 27	Sacramento	N
	February 28	Sacramento	N
Board Meetings 2012	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y

Dr. Julia Johnson, LEP Member			
Date Appointed: Date Reappointed: Term Expired:	August 24, 2005 July 15, 2008 June 1, 2012		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2012	July 19	Sacramento	N
Policy & Advocacy Committee	July 19	Sacramento	N

Sarita Kohli, LMFT Member			
Date Appointed: Date Reappointed: Term Expires:	June 7, 2011 June 13, 2014 June 1, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	N
	February 26	Sacramento	N
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	N
	August 27	Sacramento	N
	August 28	Sacramento	N
Supervision Committee 2015	January 30	Sacramento	N
	April 10	Costa Mesa	Y
	June 26	Costa Mesa	N
CE Appeal Committee 2015	February 26	Sacramento	N
Board Meetings 2014	January 23	Teleconference	N
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	N
	November 19	Riverside	N
	November 20	Riverside	N

Sarita Kohli, LMFT Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Supervision Committee 2014	April 4	Sacramento	Y
	June 27	Chatsworth	Y
	August 29	Sacramento	Y
	October 24	Chatsworth	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	N
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	N
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	N
CE Appeal Committee 2013	August 21	Sacramento	Y
	November 20	Riverside	Y
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	N
	November 28	Claremont	Y
	November 29	Claremont	Y
CE Appeal Committee 2012	November 28	Claremont	Y

Patricia Lock-Dawson, Public Member			
Date Appointed: Date Reappointed: Term Expires:	January 13, 2010 July 12, 2013 June 1, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	N
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	N
	May 21	Santa Ana	Y
	June 12	Sacramento	N
	August 27	Sacramento	N
	August 28	Sacramento	Y
Supervision Committee 2015	January 30	Sacramento	N
	April 10	Costa Mesa	Y
	June 26	Costa Mesa	N
CE Appeal Committee 2015	February 26	Sacramento	Y
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	N
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y

Patricia Lock-Dawson, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	N
	May 23	Garden Grove	N
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	N
	November 20	Riverside	Y
	November 21	Riverside	Y
CE Appeal Committee 2013	August 21	Sacramento	Y
	November 20	Riverside	Y
Out-of-State Education Review Committee 2013	April 26	Sacramento	Y
	June 28	Sacramento	Y
	September 27	Sacramento	Y
	November 21	Riverside	Y
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	N
	November 28	Claremont	Y
	November 29	Claremont	Y
CE Appeal Committee 2012	November 28	Claremont	Y

Renee Lonner, LCSW Member			
Date Appointed: Date Reappointed: Date Reappointed: Term Expires:	January 17, 2007 July 6, 2010 July 25, 2014 June 1, 2018		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Policy & Advocacy Committee 2015	January 30	Sacramento	Y
	April 23	Sacramento	Y
	August 7	Sacramento	Y
Board Meetings 2014	January 23	Teleconference	N
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2014	February 6	Sacramento	Y
	April 3	Sacramento	N
	August 6	Sacramento	Y
	September 18	Sacramento	Y

Renee Lonner, LCSW Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	N
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2013	January 31	Sacramento	Y
	April 18	Sacramento	Y
	October 30	Sacramento	Y
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	N
	August 23	Sacramento	N
	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y
Policy & Advocacy Committee 2012	July 19	Sacramento	Y
	November 1	Sacramento	N

Karen Pines, LMFT Member			
Date Appointed: Date Reappointed: Term Expires:	April 5, 2011 July 2, 2013 June 1, 2017		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	N
	November 19	Riverside	Y
	November 20	Riverside	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	N
	May 23	Garden Grove	N
	August 21	Sacramento	N
	August 22	Sacramento	N
	August 23	Sacramento	N
	September 27	Sacramento	Y
	October 21	Teleconference	N
	November 20	Riverside	Y
	November 21	Riverside	Y

Karen Pines, LMFT Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2012	July 19	Sacramento	N
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	N
	November 28	Claremont	N
	November 29	Claremont	N
CE Provider Review Committee 2012	July 19	Sacramento	N
	October 4	Sacramento	Y
	December 6	Sacramento	Y

Dr. Christine Wietlisbach, Public Member			
Date Appointed: Date Reappointed: Date Reappointed: Term Expires:	February 4, 2010 May 2011 July 16, 2015 June 1, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	N
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Policy & Advocacy Committee 2015	January 30	Sacramento	Y
	April 23	Sacramento	Y
	August 7	Sacramento	N

Dr. Christine Wietlisbach, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	N
	August 13	Teleconference	N
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2014	February 6	Sacramento	Y
	April 3	Sacramento	Y
	August 6	Sacramento	N
	September 18	Sacramento	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	Y
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2013	January 31	Sacramento	Y
	April 18	Sacramento	Y
	October 30	Sacramento	Y

Dr. Christine Wietlisbach, Public Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended ?**
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y
Policy & Advocacy Committee 2012	July 19	Sacramento	Y
	November 1	Sacramento	Y

Christina Wong, LCSW Member			
Date Appointed: Date Reappointed: Term Expires:	May 18, 2011 July 2, 2013 June 1, 2019		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2015	January 9	Sacramento	Y
	February 25	Sacramento	Y
	February 26	Sacramento	Y
	April 8	Teleconference	Y
	May 20	Santa Ana	Y
	May 21	Santa Ana	Y
	June 12	Sacramento	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
Policy & Advocacy Committee 2015	January 30	Sacramento	Y
	April 23	Sacramento	Y
	August 7	Sacramento	Y

Christina Wong, LCSW Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2014	January 23	Teleconference	Y
	March 5	Sacramento	Y
	March 6	Sacramento	Y
	May 21	Orange	Y
	May 22	Orange	Y
	June 26	Teleconference	Y
	July 11	Teleconference	Y
	August 6	Sacramento	Y
	August 13	Teleconference	Y
	August 27	Sacramento	Y
	August 28	Sacramento	Y
	October 7	Teleconference	Y
	November 19	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2014	February 6	Sacramento	Y
	April 3	Sacramento	Y
	August 6	Sacramento	Y
	September 18	Sacramento	Y
Board Meetings 2013	February 27	Sacramento	Y
	February 28	Sacramento	Y
	May 22	Garden Grove	N
	May 23	Garden Grove	Y
	August 21	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	September 27	Sacramento	Y
	October 21	Teleconference	Y
	November 20	Riverside	Y
	November 21	Riverside	Y
	November 20	Riverside	Y
Policy & Advocacy Committee 2013	January 31	Sacramento	Y
	April 18	Sacramento	Y
	October 30	Sacramento	Y

Christina Wong, LCSW Member			
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Out-of-State Education Review Committee 2013	April 26	Sacramento	Y
	June 28	Sacramento	Y
	September 27	Sacramento	Y
	November 21	Riverside	Y
CE Appeal Committee 2013	August 21	Sacramento	Y
	November 20	Riverside	Y
Board Meetings 2012	July 19	Sacramento	Y
	August 22	Sacramento	Y
	August 23	Sacramento	Y
	November 8	San Diego	Y
	November 28	Claremont	Y
	November 29	Claremont	Y
Policy & Advocacy Committee 2012	July 19	Sacramento	Y
	November 1	Sacramento	Y
CE Appeal Committee	November 28	Claremont	Y

Board Member and Committee Roster

Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Julia (Judy) Johnson	8/24/05	7/15/08	6/1/12	Governor	Professional
Renee Lonner	1/17/2007	7/6/10 *and* 7/25/14	6/1/18	Governor	Professional
Dr. Harry Douglas	5/14/09	7/11/11	6/1/15	Assembly	Public
Patricia Lock-Dawson	1/13/10	7/12/13	6/1/17	Governor	Public
Dr. Christine Wietlisbach	2/4/10	5/2011 and 7/16/15	6/1/19	Senate	Public
Samara Ashley	1/21/10	7/12/13	6/1/17	Governor	Public
Karen Pines	4/5/11	7/2/13	6/1/17	Governor	Professional
Christina Wong	5/18/11	7/2/13	6/1/17	Governor	Professional
Sarita Kohli	6/7/11	6/13/14	6/1/18	Governor	Professional
Eileen Colapinto	8/22/12		6/1/14	Governor	Public
Vacant *(Johnson 8/1/12)*			6/1/12	Governor	Public
Elizabeth (Betty) Connolly *(Johnson)*	8/22/12		6/1/16	Governor	Professional
Linda Forster	8/22/12		6/1/15	Governor	Public
Deborah Brown	8/23/12	7/2/13	6/1/17	Governor	Public
Dr. Leah Brew	8/28/12		6/1/16	Governor	Professional
Vacant *(Forster 1/23/13)*			6/1/15	Governor	Public
Dr. Peter Chiu *(Forster)*	10/30/13	6/3/15	6/1/19	Governor	Professional
Vacant *(Colapinto 7/8/14)*			6/1/18	Governor	Public
Vacant *(Douglas 7/18/14)*			6/1/15	Assembly	Public
Dr. Scott Bowling *(Colapinto)*	9/11/14		6/1/18	Governor	Public

In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

The Board has not canceled any meetings since the last Sunset Review due to lack of quorum.

Major Changes since the Last Sunset Review

Describe any major changes to the board since the last Sunset Review, including: Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

Reorganization

Since the 2012 Sunset Review, the Board has experienced significant growth in its licensing population. The Board's licensing population increased 32%; rising from 77,000 to over 102,000 licensees and registrants. The Board added a fourth mental health profession in 2010; however, this new mental health profession is not solely responsible for the increase. The Board believes that many individuals who lost their jobs during California's recession returned to school to increase their employment opportunities. Consequently, this increase in school enrollment resulted in increased application volumes for licensure as a mental health professional in California.

To address the increasing workload, the Board was successful in obtaining additional staff in Fiscal Year 2014/2015. Board staff increased 14%; rising from 44 positions to 50 positions. The new positions were specifically for the Board's Enforcement, Licensing, and Examination Units. Within the additional staff positions, the Board received an additional manager, which allowed the Board to reorganize the Enforcement Program. The Board was able to create a Criminal Conviction and Probation Unit and a Consumer Complaint and Investigations Unit with sufficient supervisory oversight.

The Board was able to accommodate the increase in staff by remodeling its current office space and relocating the Board's file room to another space within the same building.

Relocation

The Board has been in its present location, 1625 North Market Boulevard, Sacramento, California since 2005.

Change in Leadership

The leadership of the Board has changed slightly since the 2012 Sunset Review. Two Staff Services Managers were added to the Board staff; one in Fiscal Year 2012/2013 and the other in Fiscal Year 2014/2015. Additionally, the current Assistant Executive Officer was hired in Fiscal Year 2012/2013. The Board's current Executive Officer was appointed in 2010.

The Board Member composition increased from twelve positions to thirteen positions effective January 1, 2012. Many of the current Board Members have been reappointed to a subsequent term. This continuity affords the Board the opportunity to have meaningful policy discussions without losing institutional knowledge relevant to the topic.

Strategic Plan

In August 2013, the Board revised its Strategic Plan. Collaborating with the Board's stakeholders, the Board developed the 2014-2017 Strategic Plan. This plan reflects the Board's mission *to protect and serve Californians by setting, communicating, and enforcing standards for competent mental health practice.* The plan was adopted at the November 2013 board meeting.

Legislation Sponsored by the Board

A number of legislative changes relevant to the Board's duties have been enacted since the last Sunset Review in 2012. These changes are listed below in chronological order.

AB 367 - Board of Behavioral Sciences: Reporting (Smyth, Chapter 154, Statutes of 2012)

This bill added the Board of Behavioral Sciences to the list of boards required to report the name and license number of a person whose license has been revoked, suspended, surrendered, or made inactive, to the State Department of Health Care Services within ten working days. This bill had a delayed implementation date of January 1, 2015, to accommodate the Board's transition to the new Breeze Database System.

AB 1588 - Reservist Licensees: Fees and Continuing Education (Atkins, Chapter 742, Statutes of 2012)

This bill requires the Board to waive continuing education requirements and renewal fees for a licensee or registrant while he or she is called to active duty as a member of the United States Armed Forces or the California National Guard if he or she meets certain requirements.

AB 1904 - Military Spouses: Expedited Licenses (Block, Butler & Cook, Chapter 399, Statutes of 2012)

This bill requires the Board to expedite the licensing process of an applicant who is a spouse of a military member assigned to active duty in California, if they hold a current license for the same profession in another state.

AB 2570 - Licensees: Settlement Agreements (Hill, Chapter 561, Statutes of 2012)

This bill closed a loophole in the law that allows a Board licensee or registrant to prohibit a consumer who settles a civil suit with that licensee or registrant from filing a complaint with or cooperating in an investigation of the Board. The intent of the bill was to protect

consumers by disallowing "gag clauses" that hamper the ability of a regulatory board to take disciplinary action against a negligent practitioner.

SB 632 - Marriage and Family Therapist Trainee Practicum (Emmerson, Chapter 50, Statutes of 2012)

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

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

This bill was an urgency measure to amend this section of licensing law and restore the original intent of requiring only specified MFT trainees to enroll in practicum to counsel clients. The Board sponsored this legislation.

SB 1134 - Persons of Unsound Mind: Psychotherapist Duty to Protect (Yee, Chapter 149, Statutes of 2012)

Previous law allowed no monetary liability or cause of action to arise against a psychotherapist who fails to warn of and protect from a patient's threatened violent behavior, or who fails to predict and warn of and protect from a patient's violent behavior, except where the patient has communicated to the psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims.

This bill renamed the duty of a psychotherapist, defined in Section 43.92 of the Civil Code, from "duty to warn and protect" to "duty to protect."

SB 1172 - Sexual Orientation Change Efforts (Lieu, Chapter 835, Statutes of 2012)

This bill prohibits a mental health provider from engaging in sexual orientation change efforts with a patient under 18. The bill specifically defined the term "sexual orientation change efforts," and made any such efforts on a patient under 18 unprofessional conduct, for which the mental health provider would be subject to disciplinary action by his or her licensing entity.

SB 1236 - Professions: Board of Psychology: Board of Behavioral Sciences (Price, Chapter 332, Statutes of 2012)

This bill extended the Board's sunset date until January 1, 2017.

SB 1527 - Social Workers: Licensing (Negrete McLeod, Chapter 800, Statutes of 2012)

As part of the Board's examination restructure, each associate social worker (ASW) is required to take and pass a California law and ethics examination. This bill added a requirement, similar to the ones in the LMFT and LPCC licensing laws, that an individual seeking ASW registration or LCSW licensure complete coursework in California law and ethics.

This bill also clarified the acceptability of older licensing exam scores. Under the examination restructure, the Board may use national examinations as the clinical examinations, if the Board determines that they meet California standards. However, SB 704 did not place a limit on when a passing score on the clinical exam must have been obtained. In order to address the question about the acceptability of older exam scores, this bill did the following:

- For applicants who do not hold an out of state license, it allows a passing score on the clinical exam to be accepted by the Board for seven years.

- For applicants who already hold a valid license in good standing in another state, who had passed the exam this Board is requiring as part of their requirements for licensure in that other state, this Board may accept that exam score regardless of age.

The Board sponsored this legislation.

SB 1575 - Omnibus Legislation (Senate Business, Professions, and Economic Development Committee, Chapter 799, Statutes of 2012)

The Board sponsored the following provisions of SB 1575:

- Provisions providing technical clean-up amendments to the Board's marriage and family therapy, licensed educational psychologist, licensed clinical social worker, and licensed professional clinical counselor statute;

- Provisions providing amendments which either included the Board's newest licensees, LPCCs, in statute where the Board's other licensees are already

included, or made LPCC law consistent with the law for the Board's other license types; and

- Extended the Board's examination restructure effective date from January 1, 2013 to January 1, 2014.

AB 404 - Retired Licenses (Eggman, Chapter 339, Statutes of 2013)

This bill clarified the law regarding eligibility for a retired license, stating 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 also reduced the timeline allowed to restore a retired license to active status from five years to three years. The Board sponsored this legislation.

AB 428 - LMFT and LCSW Applicant Remediation of Coursework (Eggman, Chapter 376, Statutes of 2013)

This bill amended 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. Before this bill, the law did not allow remediation. It also amended LCSW licensing law to clarify that LCSW applicants may also remediate a deficiency in the spousal or partner abuse assessment coursework. The Board sponsored this legislation.

AB 451 - LMFT and LPCC Out-of-State Applicant Requirements (Eggman, Chapter 551, Statutes of 2013)

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

This bill extended the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2016. This allowed the Board additional time to carefully consider solutions which would increase portability of licenses while maintaining public protection. The Board formed a special committee, which met to discuss the issue further. It then sponsored follow-up legislation (AB 2213 (Eggman, Chapter 387, Statutes of 2014) which addressed the concerns. This bill was sponsored by the Board.

AB 512 - (Rendon): Healing Arts: Licensure Exemption (Rendon, Chapter 111, Statutes of 2013)

This bill extended 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 were set to expire on January 1, 2014, and are now 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 the 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 did not plan to amend this bill, as they did not believe the Board is required to adopt regulations to implement the bill since it does not apply to its licensees' services.

AB 1057 - Professions and Vocations: Licenses: Military Service (Medina, Chapter 693, Statutes of 2013):

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

SB 243 - Professional Clinical Counselors (Wyland, Chapter 465, Statutes of 2013)

This bill amended 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.

SB 282 - Confidential Medical Information: Required Authorization to Disclose (Yee, Chapter 58, Statutes of 2013)

This bill extended a provision in law, which was already 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.

SB 821 – Omnibus Legislation (Senate Business, Professions, and Economic Development Committee, Chapter 473, Statutes of 2013)

The Board sponsored the following provisions of SB 821:

- Provisions providing technical clean-up amendments to the Board's marriage and family therapy, licensed educational psychologist, licensed clinical social worker, and licensed professional clinical counselor statute;
- Extension of the Board's examination restructure effective date from January 1, 2014 to January 1, 2016.

AB 809 - Healing Arts: Telehealth (Logue, Chapter 404, Statutes of 2014)

This bill corrected some deficiencies and made clarifying amendments to the telehealth law for healing arts practitioners, including Board licensees.

AB 1629 - Reimbursement of Violence Peer Counseling (Bonta, Chapter 535, Statutes of 2014)

This bill made costs incurred for certain services provided by violence peer counselors reimbursable to crime victims through the California Victim Compensation Board.

This bill was amended late in the legislative session, to require a violence peer counselor eligible for reimbursable services to be supervised by a Board licensee. The Board had concerns that this language does not make it clear that a violence peer counselor may not practice psychotherapy in a private practice unless licensed. At its August 28, 2014 meeting, the Board took an "oppose unless amended" position on this bill.

The author's office committed to making clarifying amendments in the following legislative session. The Board's requested amendments were run in 2015 in AB 1140 (Bonta, Chapter 569, Statutes of 2015).

AB 1702 - Professions and Vocations: Incarceration (Maienschein, Chapter 410, Statutes of 2014)

This bill prohibits a board under DCA from denying or delaying an application solely on the grounds that some or all of the licensure requirements were completed while the individual was incarcerated.

AB 1775 - Child Abuse and Neglect Reporting Act: Sexual Abuse (Melendez, Chapter 264, Statutes of 2014)

This bill made downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse and Neglect Reporting Act (CANRA).

AB 1843 - Child Custody Evaluations: Confidentiality (Jones and Gordon, Chapter 283, Statutes of 2014):

This bill gave the Board the statutory authority to 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. Previously, the law did not give the Board direct access to the child custody evaluation report. This left the Board unable to investigate allegations of unprofessional conduct of its licensees while serving as a custody evaluator, even though the Board was mandated to do so by law. This Board sponsored this legislation.

AB 2213 (Eggman) - LMFT and LPCC Out-of-State Applicant Requirements (Eggman, Chapter 387, Statutes of 2014)
Licensing requirements for out-of-state LMFT and LPCC applicants were set to change on January 1, 2014. However, the Board had concerns that the new out-of state requirements may be too stringent, restricting portability of these license types to California.

During the previous year, the Board sponsored AB 451 (Chapter 551, Statutes of 2013), which extended the change to the out-of-state licensing requirements from January 1, 2014 to January 1, 2016. This allowed the Board time to form the Out-of-State Education Committee, which worked to formulate new out-of-state requirements that better accommodated license portability, while still maintaining consumer protection.

This bill made changes to the practicum requirements for out-of-state applicants, as well as allowed them to remediate certain coursework through continuing education, instead of requiring all coursework to be from a graduate program. It also allowed certain coursework to be remediated while registered as an intern. The Board sponsored this legislation.

AB 2396 - Expungement: Licenses (Bonta, Chapter 737, Statutes of 2014)
This bill prohibits boards under DCA from denying a license solely based on the applicant having certain types of convictions that have been expunged.

SB 578 - Behavioral Sciences: Records Retention (Wyland, Chapter 312, Statutes of 2014)
This bill requires a licensee of the Board of Behavioral Sciences to retain patient records for a minimum of seven years from the date therapy is terminated. If the patient is a minor, records must be retained for a minimum of seven years from when the patient turned 18.

This bill only applies to records of a patient whose therapy is terminated on or after January 1, 2015.

SB 1012 - Marriage and Family Therapists: Trainees (Wyland, Chapter 435, Statutes of 2014)

This bill increased the hours of direct supervision that a marriage and family therapist intern, marriage and family therapist trainee, and professional clinical counselor intern may count toward licensure, from five hours per week to six hours per week.

SB 1466 - Omnibus Legislation (Senate Business, Professions, and Economic Development Committee, Chapter 316, Statutes of 2014)

The Board sponsored provisions of this bill providing technical clean-up amendments to the Board's marriage and family therapy, licensed educational psychologist, licensed clinical social worker, and licensed professional clinical counselor statute.

AB 250 - Telehealth: Marriage and Family Therapist Interns and Trainees (Olbernolte, (Chapter 50, Statutes of 2015)

This bill clarified that MFT interns and trainees may practice via telehealth.

AB 1140 - California Victim Compensation and Government Claims Board (Bonta, Chapter 569, Statutes of 2015)

This bill is a follow-up to AB 1629 (Reimbursement of Violence Peer Counseling, Chapter 535, Statutes of 2014).

This bill contains amendments that the Board had requested to clarify certain provisions of AB 1629 related to the Board's licensees' respective scopes of practice.

The amendments clarify that a violence peer counselor may not perform services that fall under the scope of practice of any of the professions which the Board regulates, unless those services take place in an exempt setting.

SB 531 - Board of Behavioral Sciences Enforcement Process (Bates, Chapter 261, Statutes of 2015)

This bill made two separate amendments to the law governing the enforcement process:

a) It modified the Board's requirements for an individual to petition for a termination of probation or modification of penalty. The Board may now deny a petition without hearing if the petitioner is not in compliance with the terms of his or her probation.

b) It clarified that the Board has jurisdiction to investigate and take disciplinary action even if the status of a license or registration changes or if the license or registration expires.

The goal of these changes was to increase the efficiency of the enforcement process. The Board sponsored this legislation.

SB 620 - Board of Behavioral Sciences: Licensure Requirements (Block, Chapter 262, Statutes of 2015)

This bill streamlined the experience requirements for LMFT and LPCC applicants. It eliminated the complex assortment of minimum and maximum hours of differing types of experience required for licensure (also known as the "buckets" of experience) and instead requires 1,750 hours of the experience to be direct clinical counseling hours. The remaining required 1,250 hours may be non-clinical experience.

The bill also made amendments to LCSW law to allow LCSW applicants to count some direct supervisor contact hours, as well as some hours spent attending workshops,

trainings, conferences, and seminars, toward their required experience. The Board sponsored this legislation.

SB 800 – Omnibus Legislation (Senate Business, Professions, and Economic Development Committee, Chapter 426, Statutes of 2015)

The Board sponsored provisions of this bill providing technical clean-up amendments to the Board's marriage and family therapy, licensed educational psychologist, licensed clinical social worker, and licensed professional clinical counselor statute.

Regulation Changes Approved by the Board since the Last Sunset Review

The following changes to Title 16 of Division 18 of the California Code of Regulations (CCR) have been enacted since the Board's last Sunset Review in 2012, and are listed in chronological order.

Advertising, Supervision, and Continuing Education

Effective April 1, 2013, sections 1811, 1870, and 1887.3 were amended to clarify the law related to advertising by Board licensees and registrants, require supervisors of associate clinical social workers to be licensed for two years prior to commencing any supervision, and require licensed professional clinical counselors to take a one-time, seven hour continuing education course covering the assessment and treatment of people living with HIV and AIDS.

Disciplinary Guidelines

Effective July 1, 2013, section 1888 and the *Disciplinary Guidelines*, incorporated by reference, were amended for consistency with statute, and made procedural changes to both the standard and optional terms and conditions of probation.

Enforcement Regulations

Effective July 1, 2013, sections 1803, 1845, 1858, and 1881 were amended and sections 1823 and 1888.1 were added in order to streamline the enforcement process, delegate certain authorities to the board's Executive Officer, add unprofessional conduct provisions, and require certain board actions against an applicant or licensee who is required to register as a sex offender.

Marriage and Family Therapist Intern Experience

Effective October 1, 2013, section 1833 was amended for consistency with statutory amendments regarding supervised experience requirements.

Continuing Education

Effective January 1, 2015, sections 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14 were amended, and sections 1887, 1887.2, 1887.3, 1887.4, 1887.41, 1887.42, 1887.43, 1887.11, and 1887.15 were added. This regulatory package made a number of changes that strengthened and restructured the board's continuing education program in response to concerns raised about the quality of continuing education courses and providers.

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Effective October 1, 2015, section 1888 and the Board's Disciplinary Guidelines, incorporated by reference, were amended. The DCA and the state Legislature asked all healing arts licensing boards to create uniform standards for discipline that the boards must follow in cases of a substance abusing licensee or registrant.

Pending Regulations

The following changes to Title 16 of Division 18 of the California Code of Regulations (CCR) have been proposed, and are in various stages of the regulatory process as follows:

Examination Restructure

Amend Title 16, CCR sections 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877, Add section 1825

This proposal would align LCSW, LMFT and LPCC application and examination-related regulations with statutory provisions that implement a restructure of the Board's examinations effective January 1, 2016.

Status: This proposal was noticed on November 14, 2014 and is currently under review by the State Business, Consumer Services, and Housing Agency.

Licensed Professional Clinical Counselors – Treatment of Couples and Families

Amend Title 16, sections 1820, 1820.5 and 1822, and add section 1820.7

This proposal establishes a process for the Board to review an LPCC's qualifications to treat couples and families, and to issue proof of the licensee having met the requirements. The proposal also clarifies requirements regarding supervised experience with couples and families, required coursework, and exemptions.

Status: This proposal was noticed on March 6, 2015 and is currently under review by DCA.

Telehealth

Add Title 16, section 1815.5

California statute defines telehealth for all healing arts practitioners. However, the law does not address specific issues regarding the use of telehealth in providing psychotherapy. This proposal provides clarification of when a California license is required, and actions a licensee must take in order to protect the client in a telehealth setting.

Status: This proposal was noticed on July 10, 2015. The Board proposed modifications to the text based on public comment. The 15-day public comment period for the modified text ends on September 24, 2015.

Exemptions for Sponsored Free Health Care Events

Add sections 1820, 1820.1, 1820.2, and 1820.3

California law permits health care practitioners licensed or certified in good standing in another state to be temporarily exempted from California licensing requirements in order to participate in a free, sponsored health care event in California *(AB 2699, Chapter 270, Statutes of 2011)*.
The purpose of the regulatory proposal was to implement, interpret, and make specific the statutory provisions by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events.

Status: This proposal was approved by Board at its November 2011 meeting. However, staff was implementing the new LPCC licensing program at that and was unable to pursue this regulatory package immediately. During 2012, AB 512 *(Chapter 111, Statutes of 2013)* extended the provisions of the original legislation to January 1, 2018. At that time, staff asked the author's office whether the scope of AB 512 applied to Board of Behavioral Sciences licensees, because it appeared that the intent of the legislation

was to provide free, basic medical, dental, and vision services, which are services that Board licensees do not provide. The author's office agreed that the Board was not required to implement the bill since it does not apply to mental health services.

Major Studies Conducted by the Board

Describe any major studies conducted by the board

Occupational Analysis

An occupational analysis (practice survey) is a required component in the examination development process. Professional guidelines and testing standards recommend conducting an occupational analysis every five to seven years. This survey of licensees is conducted to determine the current practice of the profession. The survey results become the foundation for the examination plan which is utilized to develop the licensure examination for the professions. The Board conducted two occupational analyses since the last Sunset Review.

- 2012: Licensed Marriage and Family Therapists
- 2015: Licensed Educational Psychologists

2015 Supervision Survey

The Board conducted two surveys related to its comprehensive review of registrant supervision. The Supervisee Survey was designed to collect demographic information and to determine the types and quality of supervision that registrants are receiving. The Supervisor Survey was designed to collect demographic information, gather opinions regarding current supervisory requirements and possible additional requirements.

2011-2012 Continuing Education Program Review

The Board conducted a comprehensive review of its Continuing Education Program and various continuing education and accreditation models throughout the state and country. Collaborating with its stakeholders, the Board proposed significant changes to its Continuing Education Program. These regulatory changes sought to end the Boards role in approving Continuing Education Providers and directed licensees to obtain continuing education from Board recognized approval agencies. The changes became effective January 1, 2015.

National Association Activity

The Board is a current member of the Association of Marriage and Family Therapy Regulatory Board (AMFTRB), the American Association of State Counseling Boards (AASCB), and the Association of Social Work Boards (ASWB). The Board's membership in each of these associations includes voting privileges.

The Board is also a member of the Council on Licensure, Enforcement, and Regulation (CLEAR). This membership does not include any voting privileges. Rather, it provides resources and information relating to regulatory agencies and licensure examinations.

The Board was unable to attend any national association meetings due to Executive Orders restricting In-State and Out-of-State travel.

National Examination Activity

If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The Board is currently using the National Board of Certified Counselor's (NBCC) National Counselor Mental Health Clinical Examination (NCMHCE) for licensure as a LPCC in California. Effective January 1, 2016, the Board will begin using the Association of Social Work Boards (ASWB) national examination for licensure as a LCSW in California.

Prior to the decision to use both of these national examinations for licensure, the Board engaged the services of Applied Measurement Services, LLC (AMS) to assess the development and administration of each national examination. AMS was tasked with determining if each examination would meet professional guidelines and technical standards for licensure examinations; as well as California requirements specified in Business and Professions Code section 139.

AMS concluded that both examinations met the prevailing standards for licensure examinations. Further, both examinations will provide special testing accommodations, approved by the Board, in compliance with the American Disabilities Act.

The Board continues to evaluate all applications for the licensure examination to confirm that the candidate has satisfied all of the statutory requirements for licensure. Once a candidate is deemed eligible for the licensure examination, the candidate's eligibility is transmitted to the testing vendor.

Examination development, scoring, and analysis involve the participation of Subject Matter Experts (licensees). Each national examination adheres to the same five to seven year standard for conducting an occupational analysis (practice analysis). From this analysis the national examination is developed. Since the Board recently began using national examinations for licensure, the opportunities to participate in the development of the national examination have been few.

However, as the Board becomes aware of these opportunities, the Board utilizes its website, professional associations, and its existing Subject Matter Expert list to recruit and promote participation in the development of the national examination. The most recent opportunity involved the Association of Social Work Board examination and the request for licensed social workers to participate in "item writing" (developing the examination questions). Additionally, in 2012 the Board recruited two Licensed Marriage and Family Therapist Subject Matter Experts to participate in the development of the Association of Marriage and Family Therapy Regulatory Board's national examination.

Recruiting California SMEs to participate in the development of the national examination is one component in ensuring the national examination remains relevant to the practice in California. However, all decisions regarding the national examination are made during annual meetings.

The Board strongly desires to increase its participation in these meetings to actively participate in the decisions related to the national examination. The Board's absence at annual meetings in which it has voting privileges will keep California's interests from being represented. This absence will ultimately result in candidates taking an examination that does not assess minimal competence for entry into the profession in California. Therefore, it would be difficult for California to continue to use a national examination for licensure.

Section 2
Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance Measures

Provide each quarterly and annual performance measure report for the board as published on the DCA website.

Please refer to section 12 for this information.

Customer Satisfaction Survey

Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The table below reflects the results of the Board's customer satisfaction survey. Respondents were asked to rate their experience in the categories below using a 1-5 rating scale. From July 1, 2011 through September 30, 2013, survey responses decreased by 87%. Courtesy and Overall Satisfaction results remained relatively stable, while Accessibility remained low. This rating is likely the result of the staffing constraints the Board experienced during California's budget crisis.

As the number of respondents decreased, the Board became concerned with this trend and questioned the value of the information provided by such few respondents. Further, the Board was using a survey that was more than 5 years old. Therefore, in 2013, the Board implemented the BreEZe data system and at the same time the decision was made to discontinue the current survey and develop a new survey.

Due to insufficient staff resources and higher priority tasks, the Board has not been able to develop a new customer satisfaction survey. However, the Board will discuss the new customer survey at its November 2015 board meeting. Once the survey is approved, implementation will be immediate. The Board anticipates that the new survey will be available in first quarter of 2016.

Category	FY 11/12				FY 12/13				FY 13/14	Avg rating Response +/-
	1st qtr	2nd qtr	3rd qtr	4th qtr	1st qtr	2nd qtr	3rd qtr	4th qtr	1st qtr*	
Overall Satisfaction	*2.5*	*2.6*	*3*	*2.8*	*3*	*2.8*	*3.5*	*3*	*3.7*	2.99
Courtesy	*3.5*	*3.5*	*3.8*	*3.7*	*3.9*	*3.5*	*4.1*	*3*	*4*	3.67
Accessibility	*2.1*	*2.3*	*2.8*	*2.6*	*2.7*	*2.6*	*3.4*	*2*	*3.5*	2.67
Total Respondents	*134*	*115*	*91*	*72*	*57*	*62*	*75*	*53*	*18*	-87%

**Data as of September 30, 2013.*

Section 3
Fiscal and Staff

Fiscal Issues

Describe the board's current reserve level, spending, and if a statutory reserve level exists.

The Board ended FY 2014-15 with a reserve balance of $368,200, which equates to 4.4 months in reserve. The Board estimates FY 2015-16 reserve balance to be approximately $229,000 equaling 2.5 months in reserve. The Board's statutory reserve fund limit is 24 months[1].

Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Current Board projections do not indicate any future deficit. Accordingly, the Board does not have plans to increase or reduce fees. The following table reflects the Board's fund condition by fiscal year.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Beginning Balance	$4,528	$1,798	$1,468	$3,309	$3,682	$2,290
Revenues and Transfers	$4,491	$7,088	$9,394	$9,199	$8,748	$9,946
Total Revenue	$7,791	$7,088	$7,994	$8,199	$7,548	$7,546
Budget Authority*	$7,290	$7,394	$7,731	$8,819	$10,123	$10,242
Expenditures	$7,320	$7,438	$7,768	$8,826	$10,140	$10,864
Loans to General Fund	$3.3	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$415	$321	NA	NA
Loans Repaid From General Fund	$0	$0	$1,400	$1,000	$1,200	$2,400
Fund Balance	$1,798	$1,468	$3,309	$3,682	$2,290	$1,372
Months in Reserve	2.7	2.1	4.3	4.4	2.5	1.5

*Budget Authority based on bottom line in Governor's Budget for respective year.
**Estimated budget pending approval

[1] Business & Professions Code Section 128.5

Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

Since FY 2002/2003 the Board has made a total of three loans to the General Fund; $6 million in FY 2002/2003, $3 million in FY 2008/2009, and $3.3 million in FY 2011/2012, for a total of $12.3 million dollars. The Board has received one repayment in the amount of $1.4 million in FY 2013-14, and scheduled to receive the following: $1.0 million in FY 2014-15, $1.2 million in FY 2015-16, and $2.4 million in FY 2016-17, for a total repayment of $6 million. The remaining $6.3 million dollars will be paid in FY 2017-18 or later depending on the Board's fund balance.

Program Expenditures

Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

The following table reflects the Board's expenditures by program component. During the last four fiscal years, on average, the Board's enforcement program accounts for 43% of the Board's expenditures, the examination program accounts for 28%, and the licensing program accounts for 29%. The administration program includes costs for executive staff, board, administrative support, and fiscal services. The Board does not have a Diversion Program.

Table 3. Expenditures by Program Component(list dollars in thousands)								
	FY 2011/12		FY 2012/13		FY 2013/14		FY 2014/15	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$854,470	$1,292,107	$973,314	$1,059,872	$1,172,987	$966,962	$1,403,275	$1,274,861
Examination	$336,220	$728,329	$289,481	$827,748	$321,222	$742,803	$380,520	$811,425
Licensing	$540,295	$728,329	$715,005	$827,748	$842,425	$742,803	$1,006,353	$811,425
Administration*	$772,542	$728,329	$877,560	$827,748	$747,692	$742,803	$891,510	$811,425
DCA Pro Rata	$0	$946,900	$0	$1,138,609	$0	$1,329,497	$0	$1,414,920
Diversion	$0	$0	$0	$0	$0	$0	$0	$0
TOTALS	$2,503,527	$4,423,994	$2,855,360	$4,681,725	$3,084,326	$4,524,868	$3,681,658	$5,124,056
*Administration includes costs for executive staff, board, administrative support and fiscal services.								

License and Renewal Fees

Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Renewal fees, inactive license fees, and continuing education provider fees are all paid on a biennial basis. The due date for the renewal fees is biennial and is based on the licensees' birth month. Registrations for interns and associates are renewed annually. All other fees for exams and initial license are received and processed on an on-going basis. The chart below provides a history of Board fee changes over the last ten years.

Fee	Date Repealed	Date Added
Examination and re-examination fee for oral exam (LMFT & LCSW)	3/3/2004	
LMFT & LCSW oral examination appeal fee	3/3/2004	
LMFT & LCSW Clinical Vignette		3/3/2004
Delinquency of CE Provider		1/26/2008
LPCC (all)		5/24/2011

Table 4. Fee Schedule and Revenue								
Fee	**Authority**	**Current Fee Amount**	**Statutory Limit**	**FY 2011/12 Revenue**	**FY 2012/13 Revenue**	**FY 2013/14 Revenue**	**FY 2014/15 Revenue**	**% of Total Revenue**
Re-Scoring Written	BPC 4984.7(a)(5) 4989.68(a)(6) 4996.3(a)(5) 4999.120(l) CCR 1816.3	$20.00	$20.00	$820	$940	$1,280	$1,735	0.02%
Duplicate Document	BPC 4984.7(a)(10) 4989.68(a)(7) 4996.3(a)(10) 4999.120(k) CCR 1816.5(a)	$20.00	$20.00	$28,580	$28,700	$28,980	$29,575	0.37%
Certification	BPC 4984.7(a)(11) 4989.68(a)(8) 4996.3(a)(11) 4999.120(m) CCR 1816.5(b)	$25.00	$25.00	$16,125	$17,175	$17,325	$25,595	0.32%
Cite & Fine Recovery	BPC 125.9 BPC 148 BPC 149 CCR 1886.40 CCR 1886.60	VARIOUS	VARIOUS	$38,000	$28,475	$33,350	$17,150	0.22%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
Misc to the Public		$10.00	$10.00	$1,513	$869	$704	$900	0.01%
LMFT Application	BPC 4984.7(a)(3) CCR 1816.4(a)	$100.00	$100.00	$217,300	$236,600	$228,700	$270,805	3.42%
LMFT Written Exam Re-Exam	BPC 4984.7(a)(4) CCR 1816.2(c)	$100.00	$100.00	$311,200	$343,200	$335,300	$396,200	5.00%
MFT Intern Registration	BPC 4984.7(a)(1)	$75.00	$75.00	$310,125	$326,400	$320,550	$310,350	3.92%
LMFT Initial License	BPC 4984.7(a)(6) CCR 1816.1(a)	$130.00	$180.00	$152,360	$181,610	$147,680	$243,294	3.07%
LMFT Written Clinical	BPC 4984.7(a)(4) CCR 1816.2 (d)	$100.00	$100.00	$194,300	$221,500	$196,600	$326,300	4.12%
LCSW Written Clinical	BPC 4996.3(a)(4) CCR 1816.2(a)	$100.00	$100.00	$134,700	$149,200	$157,000	$166,000	2.10%
LCSW Application	BPC 4996.3(a)(3) CCR 1816.4(b)	$100.00	$150.00	$142,200	$155,900	$150,700	$165,849	2.09%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LCSW Written Exam Re-Exam	BPC 4984.72 CCR 1816.2(a)(B)	$100.00	$100.00	$229,000	$235,600	$226,000	$258,700	3.27%
Associate LCSW Registration	BPC 4996.3(a)(1)	$75.00	$75.00	$214,050	$214,275	$255,000	$266,475	3.36%
LCSW Initial License	BPC 4996.3(a)(6) CCR 1816.1(c)	$100.00	$155.00	$85,400	$77,300	$64,600	$110,716	1.40%
LPCC Intern Application	BPC 4999.120(b)	$100.00	$150.00	$19,000	$39,800	$58,700	$65,500	0.83%
LPCC Initial License	BPC 4999.120(g) CCR 1816.1(d)	$200.00	$250.00	$9,600	$56,800	$79,800	$49,574	0.63%
LPCC Exam Application	BPC 4999.120(a) CCR 1816.4(d)	$180.00	$250.00	$10,440	$10,440	$13,320	$24,780	0.31%
LPCC Application Eligibility (GPT-LMFT/LCSW)	BPC 4999.120(a) CCR 1816.4(d)	$180.00	$180.00	$429,660	$0	$0	$0	0.00%
LPCC Application Eligibility GPT	BPC 4999.120(a) CCR 1816.4(d)	$180.00	$180.00	$232,200	$720	$0	$0	0.00%
LPCC Law & Ethics Exam	BPC 4999.120(e) CCR 1816.2(f)	$100.00	$150.00	$5,500	$7,000	$8,700	$13,900	0.18%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LPCC Law & Ethics Exam (GPT)	BPC 4999.120(e) CCR 1816.2(f)	$100.00	$150.00	$129,600	$5,600	$6,000	$700	0.01%
LPCC Gap Exam (GPT LMFT)	BPC 4999.120(f) CCR 1816.2(g)	$100.00	$100.00	$219,800	$700	$5,300	$500	0.01%
LPCC Inactive License (GPT)	BPC 4999.112(a)(1) CCR 1816.6 (e)	$75.00	§4999.112 (see footnote)	$0	$0	$0	$0	0.00%
LPCC Gap Exam (GPT LCSW)	BPC 4999.120(f) CCR 1816.2(g)	$100.00	$100.00	$16,000	$0	$0	$0	0.00%
LPCC Inactive License	BPC 4999.112(a)(1) CCR 1816.6 (d)	$87.50	§4999.112 (see footnote)	$0	$0	$0	$0	0.00%
LPCC Exam Rescore	BPC 4999.120(k)	$20.00	$20.00	$0	$0	$20	$0	0.00%
LEP Application	BPC 4989.68(a)(1) CCR 1818.4(c)	$100.00	$100.00	$10,500	$10,300	$9,500	$10,100	0.13%
LEP Written Exam Re-Exam	BPC 4989.68(a)5) CCR 1816.2(e)	$100.00	$100.00	$15,200	$15,100	$14,100	$13,300	0.17%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LEP Initial License	BPC 4989.68(2) CCR 1816.1(b)	$80.00	$150.00	$5,840	$4,320	$4,000	$6,523	0.08%
CE Provider Application	BPC 4980.54(j) CCR 1819.1	$200.00	§4980.54 (see footnote)	$51,200	$51,000	$51,000	$32,800	0.41%
Suspended Revenue		VARIOUS	VARIOUS	$0	$125	$35,182	$2,090	0.03%
MFT Intern Annual Renewal	BPC 4984.7(a)(1) CCR 1816(a)	$75.00	$75.00	$843,825	$906,075	$982,275	$1,008,755	12.74%
LMFT Inactive Renewal	BPC 4984.7(a)(8) CCR 1816.6(a)	$65.00	$90.00	$140,855	$153,660	$156,130	$157,750	1.99%
LMFT Retired License	BPC 4984.7(a)(12)	$40.00	$40.00	$7,440	$5,840	$5,840	$6,950	0.09%
LMFT Inactive to Active	BPC 4984.8(d)(1)	$65	$65	$0	$0	$0	$910	0.01%
LCSW Inactive to Active	BPC 4997(d)(1)	$50	$50	$0	$0	$0	$650	0.01%
LEP Inactive to Active	BPC 4989.44(d)	$40	$40	$0	$0	$0	$80	0.00%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LPCC Inactive to Active	BPC 4999.112(b)(3)	$87.50	$87.50	$0	$0	$0	$88	0.00%
LMFT Retired Restore to Active	BPC 4984.41(d) 4984.41(g)	$130.00	$130.00	$0	$0	$650	$1,040	0.01%
LMFT Inactive License	BPC 4984.7(a)(8) CCR 1816.6(a)	$65.00	$90.00	$0	$0	$65.00	$0	0.00%
LCSW Biennial Renewal	BPC 4996.3(a)(7) CCR 1816(g)	$100.00	$155.00	$798,400	$833,100	$885,900	$868,240	10.96%
LCSW Inactive Renewal	BPC 4996.3(a)(8) CCR 1816.6(b)	$50.00	$77.50	$60,900	$64,500	$65,650	$69,220	0.87%
LCSW Retired Restore to Active	BPC 4997.1(d)(2) 4997.1(g)(2)	$100.00	$100.00	$100	$100	$200	$0	0.00%
Associate LCSW Annual Renewal	BPC 4996.3(a)(2) CCR 1816(b)	$75.00	$75.00	$569,475	$598,275	$664,200	$694,525	8.77%
LCSW Retired License	BPC 4996.3(a)(12)	$40.00	$40.00	$4,600	$3,640	$3,640	$3,440	0.04%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LCSW Inactive License	BPC 4996.3(a)(8) CCR 1816.6(b)	$50.00	$77.50	$0	$0	$50	$0	0.00%
LEP Biennial Renewal	BPC 4989.68(a)(3) CCR 1816(f)	$80.00	$150.00	$58,400	$50,880	$52,720	$48,475	0.61%
LEP Inactive Renewal	BPC 4989.44(c) CCR 1816 (c)	$40.00	§4989.44 (see footnote)	$7,200	$9,240	$10,000	$10,360	0.13%
LEP Retired Restore to Active	BPC 4989.45(d)(2) 4989.45(g)(2)	$80.00	$80.00	$0	$0	$0	$0	0.00%
LEP Retired License	BPC 4989.68(g)	$40.00	$40.00	$920	$720	$400	$520	0.01%
LPCC Intern Annual Renewal	BPC 4999.120(h) CCR 1816(d)	$100.00	$150.00	$0	$10,000	$23,800	$51,675	0.65%
LPCC Biennial Renewal	BPC 4999.120(i) CCR 1816(h)	$175.00	$250.00	$0	$0	$42,350	$59,145	0.75%
LPCC Inactive Renewal	BPC 4999.112(a)(1) CCR 1816.6(s)	$87.50	§4999.112 (see footnote)	$0	$0	$788	$1,400	0.02%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LPCC Retired License	BPC 4999.120(j)	$40.00	$40.00	$0	$0	$40	$0	0.00%
CE Provider Biennial Renewal	BPC 4908.54 4989.34, 4996.22, 4999.76 CCR 1816 (j)	$200.00	§4989.34 (see footnote)	$241,400	$192,600	$251,400	$167,896	2.12%
Over/Short Fees		VARIOUS	VARIOUS	$48	$68	$87	$30	0.00%
LMFT Inactive Renewal Delinquent Fee	BPC 4984.7(a)(9) CCR 1816.7(a)	$65.00	$90.00	$9,295	$11,635	$12,545	$16,550	0.21%
LMFT Delinquent Fee	BPC 4984.7(a)(9) CCR 1816.7(a)	$65.00	$90.00	$29,770	$29,575	$32,630	$37,970	0.48%
LCSW Inactive Renewal Delinquent Fee	BPC 4996.3(a)(9) CCR 1816.7(b)	$50.00	$75.00	$5,150	$12,300	$5,000	$6,950	0.09%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LCSW Renewal Delinquent Fee	BPC 4996.3(a)(9) CCR 1816.7(b)	$50.00	$75.00	$10,900	$11,100	$10,850	$13,050	0.16%
LEP Inactive Renewal Delinquent Fee	BPC 4989.68(a)(4) CCR 1816.7(c)	$40.00	$75.00	$360	$560	$520	$1,480	0.02%
LEP Renewal Delinquent Fee	BPC 4989.68(a)(4) CCR 1816.7(c)	$40.00	$75.00	$3,000	$2,600	$2,480	$2,200	0.03%
LPCC Renewal Delinquent Fee	BPC 4999.104(c) CCR 1816.7(d)	$87.50	$87.50	$0	$88	$438	$438	0.01%

Fee	Authority	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
CE Provider Renewal Delinquent Fee	BPC 4908.54 4989.34, 4996.22, 4999.76 CCR 1816.7(f)	$100.00	§4980.54 (see footnote)	$9,500	$8,400	$10,100	$11,200	0.14%
Total Revenue				**$7,783,547**	**$7,102,861**	**$7,595,788**	**$7,919,347**	

Footnote/Authority Cited: BPC §4999.112(a)(1) - Pay a biennial fee of one-half of the active renewal fee. BPC §4980.54/4989.34 - The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. BPC §4989.44(c) - A license who holds an inactive license shall pay a biennial fee for one-half of the amount of the standard renewal fee.

Budget Change Proposals

Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Annually, the Board reviews all relevant data such as workload statistics to determine if the Board has sufficient staff resources to address the Board's workload. When the Board determines there is a critical need for additional staff, a Budget Change Proposal (BCP) is submitted. The chart below reflects the outcome of the Board's proposed BCPs since the last Sunset Review.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	FY	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
#1110-03	FY 15/16	Special fund budget augmentation in the Board's Licensing and Examination Units	3 Total 2-MST .5 SSA .5 OT	3 Total 2-MST (2 yr LT) .5 SSA .5 OT	$148,000	$148,000	$0	$0
#1110-09	FY 14/15	Special fund budget augmentation in the Board's Enforcement Units	4.5 Total 1-SSM 1.5-AGPA 1-SSA 1-OT	4.5 Total 1-SSM 1.5-AGPA 1-SSA 1-OT	$364,000	$364,563	$66,000	$65,437
#1110-10	FY 14/15	Special fund budget augmentation in the Board's Licensing Unit	3-MST	2-MST 1-MST (2 yr LT)	$176,000	$176,542	$42,000	$41,458
	FY 13/14	Special fund budget augmentation in the Board's Licensing Unit	1-MST	0	$51,967	$0	$11,033	$0
	FY 13/14	Special fund budget augmentation in the Board's Administration Unit	1-OA	0	$44,967	$0	$9,033	$0
#1110-02	FY 13/14	Position authorization in the Board's Licensing and Enforcement Units	1 Total .5-SSA .5-OT	0	$0	$0	$0	$0
#1110-01	FY 12/13	Position authorization in the Board's Licensing and Enforcement Units	1.2 Total .2-AGPA 1-OT	0	$0	$0	$0	$0

Staffing Issues

Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Currently, the Board has authorization for 51.2 staff positions and 1.6 blanket positions (BL12-03). The Board received approval for additional staff in fiscal year 2014/2015 which allowed the Board to make critical and positive changes to the organizational structure to ensure that the Board's mission and business operational needs are met.

Vacancies

The Board currently has three vacancies and has initiated recruitment efforts to fill the following positions; 1 Management Services Technician (Examination Unit), 1 Office Technician (Licensing Unit), 2 Office Technicians (Cashiering Unit). The Board is also recruiting for a seasonal clerk to assist with front office clerical duties.

The Board has reclassified several positions over the years to align the tasks with appropriate civil service classifications. Each vacancy is evaluated in conjunction with the Board's operational needs. If appropriate, the vacancy is reclassified. The Board makes every effort to fill the vacancies to provide the highest level of customer service possible with its existing resources.

Use of Temporary Staff to Meet Operational Needs

The Board has entered into a Memorandum of Understanding with the Department of Consumer Affairs (DCA) to utilize staff from another unit within the DCA. This redirection of staff from DCA to the Board has allowed the Board to reduce its application backlog and process increasing workload. The Board assumes all costs associated with these positions.

The Board has also engaged the services of American Association of Retired Persons (AARP) Program candidates. These individuals work a limited number of hours and are paid through AARP. The goal of the AARP Program is to increase the individual's skill set and knowledge to increase their permanent employment opportunities.

Reclassification of Positions and Organizational Realignment

Managing a complex, dynamic organization requires the flexibility to adjust the workforce to respond with maximum efficiency to the emerging and changing needs of the organization. Thus, the Board has requested redirection of two additional staff members to the Examination Unit to assist with the Examination Restructure implementation effective January 1, 2016.

The Board has realigned the Examination Unit which is currently under the Licensing Manager, to the oversight of the Administration Unit Manager. This organizational change was made to improve operational efficiencies and to assist the Board in

achieving increased organizational effectiveness per the Board's Strategic Plan Goals 5.1 and 5.2. This change has also increased the Board's effectiveness as a consumer protection agency by allowing the Board to dedicate resources in achieving this goal with sufficient oversight.

Additional efforts to improve the effectiveness of the Board include reclassifying two existing Management Services Technician positions to Staff Services Analyst (SSA) positions within the Licensing Unit. Both of these positions act as Lead Evaluators and provide guidance to first level evaluators and clerical staff within the Licensing Unit. Further, the SSAs serve as Outreach Analysts to coordinate outreach activities for prospective applicants for licensure.

For many years the Board was unable to consistently conduct or participate in outreach events due to travel and staffing constraints. This reclassification has allowed the Board to resume and implement a cost-effective way to educate applicants and licensees. Specifically, each Outreach Analyst is responsible for developing informational video tutorials regarding the licensure process, informational brochures and attending professional association events.

On January 1, 2015 the Board's changes to its Continuing Education Program became effective. As a result, the Board no longer approves Continuing Education Provider applications. The absence of this workload allows the Board to resume conducting continuing education audits on a more regular basis. In addition, the SSA for the continuing education program serves as the Licensing Unit Statistical Analyst and is responsible for the completion of licensing statistical reports, licensing performance measures, and the Department's Annual Report. Also, the SSA represents the Board and work closely with the BreEZe team on the implementation of the new Licensing Performance Measures mandated by Executive Order B-13-11 reporting requirements.

An Office Technician in the Cashiering Unit was reclassified to a Staff Services Analyst position. Since the implementation of BreEZe in October 2013, the Board has required an analyst to serve as a Lead Cashiering Analyst and a Business Processes & Data Information Compliance Analyst. The complexity of the cashiering functions now requires a high level of analysis, evaluation, and interpretation to resolve functionality issues and to recommend solutions for efficiency. The incumbent also serves as the Board's BreEZe Subject Matter Expert regarding all cashiering functions.

Previously, the Board's Enforcement Program employed one Staff Services Manager I (SSMI) to provide program oversight and manage the day to day operations for 18 employees. The workload in an enforcement program is complex and requires a significant amount of time, attention to detail, and critical analysis. The time commitment needed to perform a comprehensive review of all investigation reports, citations and fines, and disciplinary documents left the SSM1 barely enough opportunity to focus on other tasks such as program oversight, personnel management, and Subject Matter Expert recruitment.

In fiscal year 2014/2015 the Board received approval to hire an additional SSMI. This additional manager position has allowed the Board to reorganize the Enforcement

Program; splitting the program into two units - the Criminal Conviction and Probation and the Consumer Compliant and Investigations Units. This change affords the Board the opportunity to improve its program's efficiency by providing consistent oversight through sufficient managerial resources. It also ensures all statutory timelines are met and enforcement procedures are followed.

Staff Turnover and Retention

The Board has experienced minimal staff turnover and has a high level of staff retention. The Board provides a safe and productive work environment that is flexible, positive, and supportive of staff development. The longevity of employment with the Board by many of the current staff speaks well of the Board's retention efforts. In February 2015, eight staff members were recognized for over 20 years of service with the Board. Further, 15 staff members were acknowledged in August 2015 for their years of service with Board which ranged from 5 years to 15 years. The chart below reflects the number of vacancies at the end of each fiscal year since the 2012 Sunset Review.

Vacancy Rate*					
Fiscal Year	2011-12	2012-13	2013-14	2014-15	Average
Vacancies	0	1.5	2	2	
Authorized Positions	42.3	40.7	40.7	48.2	
Vacancy Rate	0%	4%	5%	4%	3%

**The vacancy rate reflected is the number of vacant positions at the end of the fiscal year*

Succession Planning

The Board recognizes the importance of institutional knowledge and succession planning. Procedure manuals for each position incorporate this knowledge and provide the staff member with not only the necessary tasks, but also an understanding of the Board's objectives and goals. The Board maintains procedure manuals to ensure consistency of operations and to transfer knowledge when vacancies occur.

Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Staff development and mentoring is vital to succession planning. In addition to the training available, as special projects arise, staff is afforded the opportunity to participate. These opportunities provide staff the experience necessary to qualify for promotional opportunities within the Board. The Board also cross-trains staff and uses department training courses to improve the skills of its employees to prepare them for additional duties and career development. In 2015, in an effort to improve the Board's service to stakeholders, all Board staff attended customer service training.

Section 4
Licensing Program

Licensing Performance Targets and Activity

What are the board's performance targets/expectations for its licensing[2] program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The performance targets for the licensing program are from the California Code of Regulations, Title 16, Division 18, Article 1, Section 1805.1, Permit Processing Times. The following table reflects the Board's performance target and current processing times as of November 1, 2015.

[2] The term "license" in this document includes a license certificate or registration.

Licensing Performance Targets			
	Maximum Time for Notifying Applicant of Deficient or Complete Application	Maximum Time to Issue or Deny License or Registration after application complete	Current Processing Times (as of September 30, 2015)
LMFT Intern Registration ("IMF")	60 days	30 days	23 days
LCSW Associate Registration ("ASW")	60 days	30 days	12 days
LPCC Intern Registration ("PCI")	60 days	30 days	32 days
LMFT License*	90 days	120 days	48 days
LCSW License*	90 days	120 days	9 days
LEP License*	90 days	120 days	13 days
LPCC License*	90 days	120 days	30 days
All Renewals	30 days	60 days	8

**Approval is the eligibility for the licensing examination.*

Update processing times just before print.

The Board recently eliminated the severe application backlog that was a result of a series of simultaneous events. Stagnant staffing levels, increasing application volumes, furloughs, hiring freezes, and implementation of a new licensing program and a database system created an unprecedented backlog of applications. As a result, many applicants experienced an eight to nine month delay in processing their application to take the licensure examination.

In Fiscal Year 2014/2015 the Board received additional staffing resources for its Licensing Unit. Additionally, the Board hired seasonal clerks and entered into a Memorandum of Understanding with the Department of Consumer Affairs (DCA) to temporarily utilize staff from another DCA department to assist the Board in reducing the application backlogs.

The efforts of the additional permanent and temporary licensing staff, as well as the effort of the licensing manager in redesigning the business process, have made significant progress in reducing processing times to reasonable levels. Currently, the Board is meeting and/or exceeding the performance targets set forth in regulations. Applications for examinations are taking less than sixty days to process. All other applications are processed in thirty days.

Licensing Activity

How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

The following tables provide the licensing, registration, and renewal activity by fiscal year.

Table 6. Licensee Population					
		FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Marriage and Family Interns	**Active**	15358	16358	15908	16262
	Delinquent	n/a	n/a	6365	3010
Associate Clinical Social Workers	**Active**	10139	10714	10687	12215
	Delinquent	n/a	n/a	4062	2284
Professional Clinical Counselor Interns	**Active**	41	273	611	1098
	Delinquent	n/a	n/a	46	116
Licensed Marriage and Family Therapist	**Active**	32546	33713	29908	31638
	Current Inactive	n/a	n/a	4342	4302
	Delinquent	n/a	n/a	2349	2403
Licensed Clinical Social Worker	**Active**	13470	20076	18033	19027
	Current Inactive	n/a	n/a	2396	2427
	Delinquent	n/a	n/a	1336	1388
Licensed Educational Psychologist	**Active**	1821	1813	1299	1323
	Current Inactive	n/a	n/a	442	442
	Delinquent	n/a	n/a	347	376
Licensed Professional Clinical Counselor	**Active**	61	427	905	1245
	Current Inactive	n/a	n/a	13	24
	Delinquent	n/a	n/a	12	13
Continuing Education Provider	**Active**	2587	2646	2583	2414
	Delinquent	n/a	n/a	415	436
Totals		**76023**	**86020**	**102059**	**102443**

Table 7a. Licensing Data by Type						
Licensed Marriage and Family Therapist		Received	Approved	Cycle Times		
				Complete Apps	Incomplete Apps	Average Days To Approve
FY 2011/12	Registration	4205	4096	48	52	50
	Exam	2230	2217	152	164	158
	License	N/A	1540	N/A	N/A	N/A
FY 2012/13	Registration	4382	3900	26	31	29
	Exam	2378	1683	144	165	154
	License	N/A	1837	N/A	N/A	N/A
FY 2013/14	Registration	4473	3873	N/A	N/A	16
	Exam	2422	1780	N/A	N/A	107
	License	1478	1291	N/A	N/A	18
FY 2014/15	Registration	4139	4192	N/A	N/A	13
	Exam	2637	3559	N/A	N/A	93
	License	2416	2285	N/A	N/A	13

Licensed Clinical Social Worker		Received	Approved	Cycle Times		
				Complete Apps	Incomplete Apps	Average Days To Approve
FY 2011/12	Registration	2916	2681	51	56	54
	Exam	1454	1220	60	90	75
	License	N/A	1117	N/A	N/A	N/A
FY 2012/13	Registration	2886	2799	44	49	47
	Exam	1587	962	121	154	138
	License	N/A	995	N/A	N/A	N/A
FY 2013/14	Registration	3400	2648	N/A	N/A	22
	Exam	1588	1181	N/A	N/A	152
	License	885	738	N/A	N/A	17
FY 2014/15	Registration	3551	3347	N/A	N/A	13
	Exam	1618	1335	N/A	N/A	108
	License	1442	790	N/A	N/A	14

Licensed Educational Psychologist		Received	Approved	Cycle Times		
				Complete Apps	Incomplete Apps	Average Days To Approve
FY 2011/12	Registration	N/A	N/A	N/A	N/A	N/A
	Exam	106	88	35	78	57
	License	N/A	90	N/A	N/A	N/A
FY 2012/13	Registration	N/A	N/A	N/A	N/A	N/A
	Exam	104	96	31	60	46
	License	N/A	70	N/A	N/A	N/A
FY 2013/14	Registration	N/A	N/A	N/A	N/A	N/A
	Exam	91	83	N/A	N/A	46
	License	83	57	N/A	N/A	15
FY 2014/15	Registration	N/A	N/A	N/A	N/A	N/A
	Exam	102	104	N/A	N/A	11
	License	107	109	N/A	N/A	13

Professional Clinical Counselor		Received	Approved	Cycle Times		
				Complete Apps	Incomplete Apps	Average Days To Approve
FY 2011/12	Registration	187	41	119	139	126
	Exam GP	3733	1841	N/A	N/A	N/A
	Exam Trad	55	5	N/A	N/A	N/A
	License	N/A	61	N/A	N/A	N/A
FY 2012/13	Registration	398	220	47	106	77
	Exam GP	0	1509	N/A	N/A	N/A
	Exam Trad	57	46	N/A	N/A	N/A
	License	N/A	373	N/A	N/A	N/A
FY 2013/14	Registration	572	480	N/A	N/A	45
	Exam GP	0	0	N/A	N/A	N/A
	Exam Trad	63	36	N/A	N/A	21
	License	603	484	N/A	N/A	19
FY 2014/15	Registration	657	561	N/A	N/A	34
	Exam GP	0	0	N/A	N/A	N/A
	Exam Trad	141	89	N/A	N/A	6
	License	329	334	N/A	N/A	13

Continuing Education Provider		Received	Approved	Cycle Times		
				Complete Apps	Incomplete Apps	Average Days To Approve
FY 2011/12	**License**	265	249	57	79	68
FY 2012/13	**License**	262	234	58	69	64
FY 2013/14	**License**	249	232	N/A	N/A	22
FY 2014/15	**License**	165	163	N/A	N/A	29

Table 7b. Total Licensing Data				
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Initial Licensing Data:				
Initial License/Initial Exam Applications Received	15,151	12,054	15,907	17,304
Initial License/Initial Exam Applications Approved	15,246	14,724	12,883	16,868
Initial License/Initial Exam Applications Closed				
License Issued	3,057	3,509	2,802	3,681
Initial License/Initial Exam Pending Application Data:				
Pending Applications (total at close of FY)	-95	-2,760	3,024	436
Pending Applications (outside of board control)*				
Pending Applications (within the board control)*				
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):				
Average Days to Application Approval (All - Complete/Incomplete)	84	79	42	30
Average Days to Application Approval (incomplete applications)*				
Average Days to Application Approval (complete applications)*				
License Renewal Data:				
License Renewed	45,930	47,214	47,427	51,648
* Optional. List if tracked by the board.				

Verification of Applicant Information

How does the board verify information provided by the applicant? What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The Board considers background checks of applicants vital to its consumer protection mandate. Applications are reviewed for previous criminal convictions and disciplinary actions against a professional license.

Applicants are required to declare, under penalty of perjury, whether they have ever been convicted of, pled guilty to or pled nolo contendere to, any misdemeanor or felony. Applicants must also declare, under penalty of perjury, whether they have been denied a professional license or had license privileges suspended, revoked or disciplined, or if they have ever voluntarily surrendered a professional license in California or other state.

If an applicant reports such an act, the Board requires the applicant to provide a written explanation, documentation relating to the conviction or disciplinary action, and rehabilitative efforts or changes made to prevent future occurrences.

The Board uses a variety of methods to determine the accuracy of an applicant's declarations. For criminal conviction history, California law authorizes the Board to conduct criminal record background checks to help determine the eligibility of a person applying for a license or registration. The Board requires all applicants to submit fingerprints through the Department of Justice (DOJ) which then provides the Board's authorized personnel with access to information contained in the DOJ's Criminal Offender Record Information Database (CORI). The Board requires both a DOJ and Federal Bureau of Investigation (FBI) criminal history background check on all applicants for licensure or registration. If an applicant has a criminal history the DOJ will notify the Board of the results in approximately fourteen to thirty days.

Does the board fingerprint all applicants?

Yes. All applicants are required submit fingerprints prior to the issuance of a license or registration. The application is held until both the DOJ and the FBI have issued fingerprint clearances.

Have all current licensees been fingerprinted? If not, explain.

Yes. In 2009, the Board promulgated California Code of Regulations, Title 16, Section 1815 requiring all licensees and registrants who have not previously submitted fingerprints as a condition of licensure or registration to successfully complete a state and federal level criminal offender record information search. This project has been completed and all licensees and registrants have either complied with this requirement, or the Board has pursued enforcement action for non-compliance.

Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes. The Healthcare Integrity and Protection Databank is the national databank relating to disciplinary boards. Information contained in the databank is provided by state regulatory agencies and other entities that are required to report disciplinary information. However, not all entities consistently comply with the reporting requirement. Therefore, the information may be either non-existent or current. The Board or the applicant is required to pay a fee for each query prior to receiving a response.

In 2012 the Board discussed using the national databank as an additional tool to verify an applicant's background. The Board examined the limitations and the fees associated with the databank. After considering these factors, the Board was unclear if using this tool would provide any additional benefit.

The Board verifies an out-of-state applicant's licensure status through other state regulatory boards. This verification process also provides any disciplinary history, if it exists. For verification of in-state licensure status the Board can check for prior disciplinary actions through the Commission on Teacher Credentialing, the Consumer Affairs System (CAS), and the DCA Breeze System.

At each renewal, all licensees and registrants are required to report to the Board any conviction or disciplinary action taken against their license or registration during the last renewal cycle. Once notified of the conviction or disciplinary action, the Board requests all relevant documentation to determine if any action by the Board is necessary.

Does the board require primary source documentation?

Yes, the Board requires a sealed transcript from the applicant's educational institution in order to verify and document that educational requirements have been met. Additionally, the Board requires licensure certifications from the other state licensing board when an applicant has held an out-of-state license.

Licensure Requirements

Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board does not have reciprocity with any other state licensing board. Any person from another state seeking licensure as an LMFT, LCSW, LEP or LPCC in California must satisfy all California licensing requirements, pass the required licensing examinations and apply for licensure.

The statutory requirements for out-of-state or out-of-country applicants are as follows:

Licensed Marriage and Family Therapists

The Board may issue a license to a person who, at the time of submitting an application for licensure holds a valid registration or license issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or county, if all of the following requirements are satisfied:

- The applicant's education is substantially equivalent;
- An applicant for licensure or registration with a degree obtained from an education institution outside the United States shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation services (NACES) and shall provide other documentation the Board deems necessary;
- The applicant's supervised experience is substantially equivalent to that required for a license under the Board.
- Completion of specific additional coursework;
- Attainment of 18 years of age; and
- The applicant passes the examinations required to obtain a license.

Licensed Clinical Social Workers:

The Board may issue a license to any person who, at the time of application, holds a valid active clinical social work registration or license issued by a board of clinical social work examiners of corresponding authority of any state; if the person passes the licensing examinations required by licensing statutes and pays the required fees, and if all of the following requirements are satisfied:

- The applicant's master's degree is from an accredited school of social work;
- Attainment of 21 years of age;
- The applicant's experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent;
- Completion of specific additional coursework
- An applicant for licensure or registration trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education; and
- The applicant passes the examinations required to obtain a license.

License Educational Psychologists

The Board may issue a license as an educational psychologist if the applicant satisfies the following requirements:

- Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent. This degree shall be obtained from an educational institution

accredited by Western Association of Schools and College; Northwest Association of Secondary and Higher Schools; Middle States Association of Colleges and Secondary Schools; New England Association of Colleges and Secondary Schools; North Central Association of Colleges and Secondary Schools; and Southern Association of Colleges and Schools.

- An applicant for licensure trained in an educational institution outside the United States shall possess a degree that has been evaluated by the Credentials Evaluation Service of the International Education Research Foundation, Inc. for equivalency to the required degrees.
  - Attainment of 18 years of age.
  - Successful completion of 60 semester hours of postgraduate work in pupil personnel services.
  - Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public school.
  - One year of supervised professional experience in an accredited school psychology program; or one year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.
  - The applicant passes the examination required to obtain a license.

<u>Licensed Professional Clinical Counselors</u>
The Board may issue a license to a person who, at the time of submitting an application for licensure holds a valid registration or license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction, if all of the following requirements are satisfied:

- The applicant's master's degree in counseling or psychotherapy in content and is substantially equivalent;
- The applicant's experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent;
- Completion of specific additional coursework
- An applicant for licensure or registration trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services and shall provide any other documentation the Board deems necessary; and
- The applicant passes the examinations required to obtain a license.

Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

In May 2015, the Board changed all registration and examination eligibility applications to inquire whether or not the applicant is serving or had ever served in the United States Armed Forces or the California National Guard. The Department of Consumer Affairs' is revising the Breeze Database in order for boards to begin collecting and maintaining statistics on these changes. The Board will begin tracking and collecting statistics on these individuals as soon as we are able to collect this information on our database.

How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board? What regulatory changes has the board made to bring it into conformance with BPC § 35?

To date, the Board has not received an application in which military education, training or experience was submitted towards the licensing requirements. Therefore, there does not appear to be a need for the Board to propose any regulatory changes at this time.

The Board has very specific requirements for education and experience in its licensing laws. Currently, if an applicant for registration of licensure had military education and experience, the Board would conduct a review to determine whether or not 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 any instance in which an individual had military education and/or experience. This is not tracked by the Board and there is not a common provider of military education or experience that the Board sees cited on incoming applications. The Board may occasionally see supervised experience obtained at an out of state military base. This experience may be accepted by the Board if it can determine that the supervision was substantially equivalent, and upon verification that the supervisor is an equivalently licensed acceptable professional who has been licensed at least two years in his or her current jurisdiction and is in good standing.

The U.S. Army Medical Service Corps lists two types of behavioral health job descriptions on its website. These two are:

- Social Workers - Army Social Workers practice within a broad spectrum of practice areas and settings. Appointment as a social worker requires a master's degree in social work with emphasis in clinical practice from a program accredited by the Council on Social Work Education. The social worker must also have a state license in social work that allows clinical independent practice; and

- Clinical Psychologists – Army clinical psychology officers provide a full range of psychological services to soldiers, family member and military retirees. Assignment options include major medical centers, community hospitals and clinics. Appointment as a clinical psychologist requires a doctorate in clinical or counseling psychology, a clinical psychology internship at an APA accredited program, and an unrestricted license to practice clinical or counseling psychology in the U.S.

Aside from utilizing social workers or clinical psychologists who are already state-licensed, the Board has not been made aware of any military programs that offer training to those seeking licensure as a psychotherapist. If such a program were presented to the Board, it would need to be evaluated to see it the education and experience gained met current licensing requirements.

How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

Pursuant to BPC § 114.3, the Board has waived the renewal requirements and fees for two registrants and two licensees; with a minimal impact of $370 for Fiscal Year 2014/2015.

How many applications has the board expedited pursuant to BPC § 115.5?

Pursuant to BPC § 115.5, the Board was not required to begin expediting applications until July, 2016; however, it was determined that this would not be difficult to implement therefore the Board began expediting applications for military veterans and their spouses in January 2015. The Board has expedited the applications for 150 registrants and examination eligibility applicants who met the requirements since January 2015.

Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The board sends No Longer Interested (NLI) notifications to Department of Justice (DOJ) on an ongoing basis. The board is sending NLI notifications manually as there is no mechanism in place at this time to send NLI notifications to DOJ electronically. The Board sends notification to DOJ regarding all abandoned applications and all deceased, retired, canceled, revoked, and surrendered licenses or registrations.

Additionally, when the Board receives Criminal Offender Record Information (CORI) regarding a registrant or a licensee for whom the Board no longer wishes to receive information on, the Board immediately sends a NLI notification to DOJ.

Examinations

The following tables reflect the Board's examination data. All Board developed examinations are administered through the Board's testing vendor. The examination is not offered in multiple languages.

Table 8. Examination Data							
California Examination							
License Type		**LMFT**		**LCSW**		**LEP**	**LPCC**
Exam Title		Std.*	CV*	Std.*	CV*	Std.*	CA Law Ethics*
FY 11/12	# of 1st Time Candidates	1189	1027	683	695	64	N/A
	Pass %	78%	77%	65%	75%	75%	N/A
FY 12/13	# of 1st Time Candidates	1376	1455	817	822	63	10
	Pass %	72%	90%	73%	77%	79%	59%
FY 13/14	# of 1st Time Candidates	1378	1434	762	720	49	24
	Pass %	76%	82%	74%	69%	50%	63%
FY 14/15	# of 1st time Candidates	1819	1665	983	875	79	98
	Pass %	74%	82%	76%	77%	86%	85%
Date of Last OA		2012		2010		2009	2010
Name of OA Developer		OPES		OPES		OPES	OPES
Target OA Date		2017		2016		2016	2017

*Board developed examinations. Std=Standard Written. CV=Clinical Vignette

National Examination offered by NBCC		
	License Type	**LPCC**
	Exam Title	NCMHCE*
FY 11/12	# of 1st Time Candidates	107
	Pass %	54%
FY 12/13	# of 1st Time Candidates	117
	Pass %	63%
FY 13/14	# of 1st Time Candidates	335
	Pass %	67%
FY 14/15	# of 1st time Candidates	204
	Pass %	62%
Date of Last OA		2010
Name of OA Developer		NBCC
Target OA Date		2017

**National Clinical Mental Health Counseling Examination*

LPCC Examinations During the Grandparent (GP) Application Period				
	License Type	**LPCC**	**LPCC**	**LPCC**
	Exam Title	GP Law & Ethics *	Gap MFT*	Gap LCSW*
FY 11/12	# of 1st Time Candidates	147	225	8
	Pass %	81%	99%	100%
FY 12/13	# of 1st Time Candidates	277	183	6
	Pass %	80%	84%	100%
FY 13/14	# of 1st Time Candidates	55	298	6
	Pass %	62%	80%	100%
FY 14/15	# of 1st time Candidates	N/A	2	N/A
	Pass %	N/A	100%	N/A
Date of Last OA		2010	2010	2010
Name of OA Developer		OPES	OPES	OPES
Target OA Date		N/A	N/A	N/A

*Board developed examinations. Gap=examination assessing differences between LMFT or LCSW practice and LPCC practice.

Describe the examinations required for licensure.

LMFT, LCSW, and LPCC candidates are required to take and pass two examinations for licensure. LMFT & LCSW candidates are required to take and pass both the

California Standard Written examination and the Written Clinical Vignette Examination. The Standard Written Examination consists of 175 questions and the Clinical Vignette Examination consists of 30 items. Both the LMFT and LCSW examinations are developed by the Board.

LPCC candidates must take and pass a California Law and Ethics examination and the National Clinical Mental Health Counseling Examination (NCMHCE). The NCMHCE is administered and developed by the National Board of Certified Counselors (NBCC). The California Law and Ethics examination is developed by the Board.

LEP candidates are only required to take and pass the LEP Written examination, which consists of 100 questions. This written examination is developed by the Board.

The Board works year round with the Office of Professional Examination Services and Board Subject Matter Experts to develop its examinations. The examinations are multiple-choice and are administered electronically at sites throughout the state.

Is a national exam used? Is there a California specific exam required?

The Board currently develops all of its own exams except for the clinical exam required for LPCC licensure. LPCCs must take and pass the National Clinical Mental Health Counseling Examination.

LPCCs must also take and pass a California-specific law and ethics examination in addition to the national examination. Effective January 1, 2016, LCSW candidates will be required to take and pass the ASWB national clinical examination.

What are pass rates for first time vs. retakes in the past 4 fiscal years?

Please refer to the previous table.

Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes. All of the Board's examinations are administered using computer-based testing. Once the Board approves a candidate's application, the Board sends the candidate's information to the contracted testing vendor. The candidates are sent information that instructs them to contact the testing vendor to schedule the examination. Currently the Board's testing vendors' offer multiple testing sites throughout California and many out-of-state sites at which candidates can schedule to take these examinations. The Board's current testing vendor for Board developed examinations offers testing six days a week (Monday-Saturday) year round except major holidays.

NBCC offers the NCMHCE examination Monday through Friday on authorized dates. Specifically, the NCMHCE examination is offered the first two weeks of every month.

Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School Approvals

Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board does not approve schools. The Board will confirm a school's degree program has coursework that satisfies the educational requirements for licensure.

Applicants for licensure as a Licensed Marriage and Family Therapist (LMFT) must obtain a doctor's or master's degree from a school, college, or university approved by or accredited by one of the following entities.

- Bureau for Private Postsecondary and Vocational Education (BPPE);
- Commission on the Accreditation of Marriage and Family Therapy Education; or,
- A regional accrediting agency recognized by the United States Department of Education.

Applicants for licensure as a Licensed Clinical Social Worker (LCSW) must obtain a master's degree from a school of social work, accredited by the Commission on Accreditation of the Council on Social Work Education.

LEP licensure candidates must obtain a master's degree from a regionally accredited university. Regionally accredited schools include:

- Western Association of Schools and Colleges
- Northwest Association of Secondary and Higher Schools
- Middle States Association of Colleges and Secondary Schools
- New England Association of Colleges and Secondary Schools
- North Central Association of Colleges and Secondary Schools
- Southern Association of Colleges and Schools

Applicants for licensure as a Licensed Professional Clinical Counselor (LPCC) must obtain a doctor's or master's degree from a school, college, or university approved by or accredited by one of the following entities:

- Bureau for Private Postsecondary and Education (BPPE);
- Western Association of Schools and Colleges, or,
- A regional accrediting agency recognized by the United States Department of Education.

How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

As previously stated the Board does not approve schools. Rather, the Board confirms the educational institution has coursework within the degree program that satisfies California licensure requirements.

What are the board's legal requirements regarding approval of international schools?

As previously stated the Board does not approve schools. Rather, the Board confirms the educational institution has coursework within the degree program that satisfies California licensure requirements.

Continuing Education and Competency Requirements

Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Current law requires all licensees of the Board, as a condition of biennial licensure renewal, to complete 36 hours of continuing education ("CE") in, or relevant to, the licensee's respective field of practice (BPC Section 4980.395, 4989.34, 4996.26 and 4999.76). An individual must only complete 18 hours of CE in his/her initial license renewal period (Title 16, CCR Section 1887.2).

An exemption from the CE requirement exists if the licensee meets one of the following criteria.

- His/her license is inactive (BPC Section 4984.8, 4989.44, 4997 or 4999.12)
- For at least one year during the licensees' previous license renewal period the licensee was absent from California due to his or her military service;
- For at least one year during the licensees' previous license renewal period the licensee resided in another country;
- For at least one year during the licensees' 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. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist.

Since the last Sunset Review, the Board has made significant changes to its continuing education program. The Board established the Continuing Education Program Review Committee in 2012 to work with stakeholders to improve the quality and content of continuing education. As a result of the Committee's work, the Board proposed regulations that ceased the Board's Continuing Education Provider program.

Effective January 1, 2015, the Board no longer approves CE providers. Additionally, the Board ceased renewing existing Board CE Providers on June 30, 2015. Instead, licensees are now required to obtain CE from a Board recognized approval agency, a recognized continuing education provider, an educational institution, or a Board CE provider possessing a valid provider number.

The Board's analysis of the approval agencies revealed a stringent application process with an initial and ongoing review of the coursework offered by the CE provider. All coursework is required to be relevant to the practice of the licensed mental health professional. Specifically, the coursework shall be based upon the methodological, theoretical, research, or practice knowledge base. The coursework must also be related

to the ethical, legal, statutory or regulatory policies, guidelines, and standards of the licensed mental health professional. CE providers are also subject to periodic audits by the approval agency. The Board utilized much of this existing framework in approval agencies when it established a process to consider new applicants seeking to become a Board recognized approval agency.

Effective July 1, 2015, licensees may only obtain continuing education from one of the following:

- A Board-approved continuing education provider with a current PCE provider number. (Note: as previously stated, these Board-issued PCE provider numbers will no longer be renewable after July 1, 2015, existing provider numbers that have not expired by July 1, 2015 are valid until expiration)

- 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) or the Business & Professions Code.

- A Board-recognized approval agency or a continuing education provider that has been approved or registered by a Board-recognized approval agency. Listed below are the Board recognized approval agencies:

    - National Association of Social Workers (NASW)
    - Association of Social Work Boards (ASWB)
    - National Board for Certified Counselors (NBCC)
    - National Association of School Psychologists (NASP)
    - American Psychological Association (APA)
    - California Association of Marriage and Family Therapists (CAMFT)
    - California Psychological Association (CPA)

- An organization, institution, association or other entity that is recognized by the Board as a continuing education provider. Listed below are the Board-recognized continuing education providers:

    - American Association for Marriage and Family Therapy (AAMFT)
    - American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
    - California Association for Licensed Professional Clinical Counselors (CALPCC)
    - California Association for Marriage and Family Therapists (CAMFT)
    - National Association of Social Workers-California Chapter (NASW-CA)
    - California Society for Clinical Social Work (CSCSW)
    - California Association of School Psychologists (CASP)
    - California Psychological Association (CPA)
    - California Counseling Association (CCA)
    - American Counseling Association (ACA)

How does the board verify CE or other competency requirements?

The Board may conduct an audit of a licensee's continuing education hours to confirm compliance with the continuing education requirement.

Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The Board does have the authority to conduct CE audits. However, the number of audits performed in the last four years has been significantly impacted by staffing resources and other high priority tasks. The analyst performing the audits was also tasked with conducting the fingerprint reconciliation on licensees who had not previously fingerprinted. This project was deemed a high priority and was given to this analyst when the limited term positions hired to do the fingerprint project were cut. Consequently, the Board has conducted very few CE audits since 2012. The Board anticipates resuming CE audits in late 2015.

To conduct a CE audit, licensees are randomly selected and required to submit copies of their CE certificates to demonstrate compliance with the CE renewal requirements. Board staff will review the certificates to confirm the CE was taken during the renewal period and from a valid CE provider.

What are consequences for failing a CE audit?

Licensees who fail the CE audit are subjected to a citation and fine (pursuant to Title 16, CCR Sections 1887.3 and 1887.1(b)). Depending on the severity of the violation, fines for failure to comply with the CE requirements may be levied in an amount up to $1,200. If a licensee fails to comply with the Order of Abatement or pay the determined fine, an enforcement hold is placed on the license, making the license ineligible for renewal until all conditions are met.

How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

The following table reflects the number of audits conducted, audit failures, and percentages in the past four fiscal years. As previously discussed, the lack of sufficient staff resources has contributed to the Board's ability to routinely perform continuing education audits.

CE Audit Table

	2011/12	**2012/13**	**2013/14**	**2014/15**
Audits Performed	131	50	31	0
Fails	23	8	7	N/A
% of Audits Resulting in Fail	18%	16%	23%	N/A

What is the board's course approval policy?

Prior to the changes to the Board's CE Program, an applicant to become a CE Provider was required to demonstrate that the CE course was directly or indirectly related to the practice of the Board licensees. CE coursework was only reviewed during the application period. The Board lacked the authority to review any CE coursework added after the CE Provider number was issued.

Effective January 1, 2015, the Board no longer approves continuing education providers or coursework. Instead, the Board provides a list of recognized approval agencies or continuing education providers from which Board licensees may obtain their CE hours. These entities have a stringent application process as well as an initial and ongoing review of coursework offered by the approved CE provider.

The approval agencies coursework requirements served as the foundation for the Board's regulations that specify the content for continuing education coursework (Title 16, California Code of Regulations section 1887.4.0).

Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

Effective January 1, 2015, the Board's recognized approval agencies approve CE providers. Prior to this date, Board staff reviewed all Board CE provider applications and the proposed coursework submitted with the application. Board staff would determine if the proposed coursework satisfied the requirements specified in law. Specifically, staff considered whether or not the proposed coursework was directly or indirectly related to the practice of the mental health professional. The revisions to the Board's Continuing Education Program now specify the requirements for continuing education coursework content (Title 16, California Code of Regulations section 1887.4.0), which mirrors the Board recognized approval agencies' coursework content.

How many applications for CE providers and CE courses were received? How many were approved?

The table below reflects the number Continuing Education Provider applications received and approved.

Number of Continuing Education Provider Applications Received and Approved in the Past Four Fiscal Years				
CE Provider	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Applications Received	256	262	253	165
Applications Approved	253	234	227	163

Does the board audit CE providers? If so, describe the board's policy and process.

The Board's statutes and regulations never provided the authority for the Board to audit CE providers. With the change in the Board's Continuing Education Program, periodic audits of CE providers will be conducted by the Board recognized approval agencies.

Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

In 2012, the Board established the Continuing Education Program Review Committee to conduct a comprehensive review of the Board's Continuing Education Program. The Committee held a series of meetings with stakeholders to discuss improving the quality of continuing education, ensuring the coursework was relevant to the practice of Board licensees, and ensuring compliance with the legislative intent of continuing education.

The Committee and stakeholders evaluated existing CE programs available through entities such as the National Association of Social Workers, Association of Social Work Boards, the National Board of Certified Counselors, the National Association of School Psychologists, and the American Psychological Association. The rigor and ongoing evaluation of CE providers and coursework exceeded the Board's current program. Further, the resources necessary to establish a similar program within the Board was not viable.

The Committee and stakeholders agreed that ceasing the Board's current CE provider program would provide higher quality continuing education to Board licensees. As a result, the Board proposed significant changes to its continuing education program. These changes became effective January 1, 2015. The Committee did discuss continuing competence in 2012. Considering the complexity of continuing competence for a mental health provider, the Committee decided to reconsider this topic at a future date.

Enforcement Program

Enforcement Performance Targets

What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

In 2010, DCA developed standard performance measures for each board and bureau to assess the effectiveness of its enforcement program. DCA established an overall goal to complete consumer complaints within 12 to 18 months (Performance Measure 4). Each board and bureau is responsible for determining its performance target for the remaining performance measures to achieve the 12 to18 month goal. The Board's performance targets are reflected in the following table.

Currently, the Board is meeting its performance targets with the exception of PM 4 (Cycle Time for cases resulting in formal discipline). DCA set the performance target for PM 4 at 540 days (18 months). Achieving this performance target is dependent upon the staffing and workload of outside agencies, such as the Attorney General's Office (AG) and the Office of Administrative Hearings (OAH). Any workload and/or staffing issues at the Attorney General's Office and the Office of Administrative Hearings are not within the Board's control. Despite this constraint, the Board continues to evaluate its internal process in an effort to meet Performance Measure 4.

Specifically, through the recent reorganization of the Board's enforcement unit, two staff positions are now dedicated to actively monitor all cases referred to the AG office. Additionally, the Board revised its procedure for referring cases to the AG office. Now when a case is referred to the AG office, those cases that the Board would consider settling, the Board provides proposed settlement terms with the referral.

The intent of this new procedure is to engage in settlement discussions with the respondent after the respondent receives notice of the proposed disciplinary action. This change is designed to accomplish two purposes: quicker resolution of cases where settlement terms are appropriate and utilizing OAH resources for those cases in which a settlement is not appropriate. The Board continues to review its enforcement data to determine if this change in procedure provides the benefit it is intended to do.

Performance Measure (PM)	Definition	Performance Target	Actual FY 2014/2015
PM 1 Volume	Number of complaints received.	*	*
PM 2 Cycle Time	Average number of days to complete complaint intake.	7 days	5 days
PM 3 Cycle Time	Average number of days to complete closed cases not resulting in formal discipline.	80 days	100 days
PM 4 Cycle Time	Average number of days to complete cases resulting in formal discipline.	540 days	571 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	75% Satisfaction	***
PM 7 Cycle Time (probation monitoring)	Average number of days from the date a probation monitor is assigned to a probationer to the date the probation monitor makes first contact.	10 days	1 day
PM 8 Initial Contact Cycle Time (probation monitoring)	Average number of days from the time a violation is reported to the program to the time the assigned probation monitor responds.	1 day	

* Complaint volume is counted and is not considered a performance measure.
** The BreEZe system does not capture this data at this time.
*** Due to lack of consumer response, data is not available for this measure.

Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

On average the Board receives over 2000 consumer complaints and criminal conviction notifications each year. The increased enforcement workload coincides with the Board's increasing licensee population. This is evidenced by the increased number of applications denied, number of AG cases initiated, the number of Accusations and Statement of Issues filed, and the number of new probationers each year.

The additional enforcement staff received in Fiscal Year 2014/2015 and the reorganization of the Enforcement Program has allowed the Board to address the increasing enforcement workload. Moreover, the additional staff and manager provide the Board the ability to consistently evaluate internal procedures and analyze enforcement data to identify areas for improvement or legislative change. Examples include dedicated staff to monitor all cases at the AG office, providing settlement terms at the time a case is referred to the AG office, and proposing legislation to establish criteria for a probationer to petition for a modification or early termination of probation.

The Board continues to evaluate workload data and procedures to identify the resources necessary to improve the enforcement program. The additional resources will be requested through the appropriate process.

The following tables reflect the Board's enforcement statistics.

Table 9a. Enforcement Statistics				
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
COMPLAINT				
Intake				
Received	986	991	1243	1018
Closed	0	1	65	346
Referred to INV	949	992	1206	642
Average Time to Close (days)	5	7	14	6
Pending (close of FY)	37	35	19	9
Source of Complaint				
Public	773	813	672	751
Licensee Professional Groups	4	8	18	8
Governmental Agencies	7	3	7	12
Other	1168	1241	1260	1338
Conviction / Arrest				
CONV Received	966	1074	714	1091
CONV Closed	967	1074	706	1
Average Time to Close (days)	3	1	8	4
CONV Pending (close of FY)	0	0	5	0
LICENSE DENIAL				
License Applications Denied	42	47	57	53
SOIs Filed	25	28	21	36
SOIs Withdrawn	2	0	0	4
SOIs Dismissed	0	0	0	0
SOIs Declined	0	0	0	0
Average Days SOI	0	0	0	519
ACCUSATION				
Accusations Filed	90	86	64	98
Accusations Withdrawn	10	2	4	4
Accusations Dismissed	5	0	1	0
Accusations Declined	5	9	1	1
Average Days Accusations	713	522	704	885
Pending (close of FY)	186	130	113	136

Table 9a. Enforcement Statistics				
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	16	40	20	31
Stipulations	62	62	49	50
Average Days to Complete	804	857	780	666
AG Cases Initiated	90	86	115	158
AG Cases Pending (close of FY)	157	130	137	136
Disciplinary Outcomes				
Revocation	20	41	24	16
Voluntary Surrender	25	34	25	17
Suspension	0	0	0	0
Probation with Suspension	0	4	2	0
Probation	44	47	45	42
Probationary License Issued	N/A	N/A	N/A	N/A
Other	3	7	8	6
PROBATION				
New Probationers	44	51	47	43
Probations Successfully Completed	4	11	9	20
Probationers (close of FY)	120	126	140	149
Petitions to Revoke Probation	7	15	4	3
Probations Revoked	4	7	7	3
Probations Surrendered	8	6	8	3
Probations Modified	0	1	6	10
Probations Extended	0	0	1	1
Probationers Subject to Drug Testing	N/A	40	50	58
Drug Tests Ordered	N/A	976	1506	1532
Positive Drug Tests	N/A	37	132	133
Petition for Reinstatement Granted	0	0	0	1
DIVERSION				
New Participants	N/A	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A	N/A
Terminations	N/A	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A

Table 9c. Enforcement Statistics				
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
INVESTIGATION				
All Investigations				
First Assigned	1980	2066	1929	1876
Closed	1972	1999	1255	1822
Average days to close	142	120	138	126
Pending (close of FY)	675	707	611	543
Desk Investigations				
Closed	1980	1969	1232	1854
Average days to close	134	116	130	130
Pending (close of FY)	634	687	566	510
Non-Sworn Investigation				
Closed	61	12	8	75
Average days to close	430	292	108	116
Pending (close of FY)	17	6	22	28
Sworn Investigation				
Closed	20	18	15	31
Average days to close	428	433	222	229
Pending (close of FY)	24	14	23	40
COMPLIANCE ACTION				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	2	2	1	4
Other Suspension Orders	0	0	0	0
Public Letter of Reprimand	0	2	0	1
Cease & Desist/Warning	0	26	0	0
Referred for Diversion	N/A	N/A	N/A	N/A
Compel Examination	1	1	0	0
CITATION AND FINE				
Citations Issued	92	105	39	24
Average Days to Complete	177	147	279	375
Amount of Fines Assessed	$111,850	$209,450	$46,100	$41,500
Reduced, Withdrawn, Dismissed	$15,000	$41,025	$16,500	$37,800
Amount Collected	$71,244	$28,650	$20,850	$17,150
CRIMINAL ACTION				
Referred for Criminal Prosecution	0	0	0	0

Table 10. Enforcement Aging						
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Cases Closed	Avg %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	3	2	12	25	42	11%
2 Years	31	35	44	33	143	38%
3 Years	37	43	35	23	138	37%
4 Years	13	22	13	0	48	13%
Over 4 Years	0	0	0	0	0	0%
Total Cases Closed	84	102	104	81	372	
Investigations (Average %)						
Closed Within:						
90 Days	1025	1137	681	1064	3908	55%
180 Days	410	456	240	351	1457	20%
1 Year	344	274	196	254	1068	15%
2 Years	175	124	106	126	531	7%
3 Years	9	6	14	27	56	1%
Over 3 Years	3	2	3	138	146	2%
Total Cases Closed	1967	1999	1240	1960	7166	

What do overall statistics show as to increases or decreases in disciplinary action since last review?

Overall the Board's enforcement workload continues to increase. Since the 2012 Sunset Review, the receipt of consumer complaints and criminal conviction notifications increased 5% and 8%. The number of Statement of Issues and Accusations filed increased 112% and 31% respectively. The number of average days to complete all investigations decreased from 675 days reported in Fiscal Year 2010/2011 to 126 days in Fiscal Year 2014/2015.

As noted previously, the average number of days to complete an accusation is higher than the Performance Measure established by DCA. The number of disciplinary outcomes fluctuates year to year and is entirely dependent upon the completion of the disciplinary case. In Fiscal Year 2010/2011 the Board reported receiving 40 proposed decisions. This Sunset Report reflects 31 proposed decisions in Fiscal Year 2014/2015. However, the number of pending cases at the AG office has decreased from 157 in Fiscal Year 2010/2011 to 136 cases in Fiscal Year 2014/2015. During 2011/2012 the number of pending cases at the AG office rose to 186 cases.

The Board's existing number of probationers has increased 33%; rising from 112 in Fiscal Year 2010/2011 to 149 in Fiscal Year 2014/2015.

The reorganization of the Enforcement Program and additional staff has allowed the Board to keep pace with the increases.

How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)? If so, explain why.

The Board developed its Complaint Prioritization Guidelines in 2009 using the DCA model guidelines for health care agencies. Although similar to the DCA model, the Board modified the complaint categories in the DCA guidelines to reflect the subject areas unique to the Board.

Using these guidelines, complaints are reviewed by Board staff and categorized. Complaints categorized as "urgent" demonstrate conduct or actions by the licensee or registrant that pose a serious risk to the public's health, safety, or welfare. These complaints receive the immediate attention of the Enforcement Manager to initiate the appropriate action.

Complaints categorized as "high" involve allegations of serious misconduct but the licensee's or registrant's actions do not necessarily pose an immediate risk to the public's health, safety, or welfare. "Routine" complaints involve possible violations of the Board's statutes and regulations, but the licensee's or registrant's actions do not pose a risk to the public's health, safety, or welfare.

Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Listed below are the mandatory reporting requirements.

- BPC section 801(b) requires every insurer providing professional liability insurance to a Board licensee to report any settlement or arbitration award over $10,000 of a claim or action for damages for death or personal injury caused by the licensee's negligence, error or omission in practice, or by rendering of unauthorized professional services. This report must be sent to the Board within 30 days of the disposition of the civil case.

- BPC section 802(b) requires Board licensees and claimants (or, if represented by counsel) to report any settlement, judgment, or arbitration award over $10,000 of a claim or action for damages for death or personal injury caused by the licensee's negligence, error or omission in practice, or by rendering of unauthorized professional services. This report must be submitted to the Board within 30 days after the written settlement agreement.

- BPC section 803(c) requires the clerk of the court to report, within 10 days after judgment made by the court in California, any person who holds a license or certificate from the Board who has committed a crime or is liable for any death or personal injury resulting from a judgment for an amount in excess of $30,000 caused

by his or negligence, error or omission in practice or by rendering of unauthorized professional services.

- BPC section 803.5 requires a district attorney, city attorney or other prosecuting agency to report any filing against a licensee of felony charges and the clerk of the court must report a conviction within 48 hours.

- BPC section 805(b) requires the chief of staff, chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic to file an 805 report within 15 days after the effective date which any of the following occurs as a result of an action taken by the peer review body of a Licensed Marriage and Family Therapist, Licensed Clinical Social Worker, or Licensed Professional Clinical Counselor: 1) The licentiate's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason; 2) the licentiate's membership, staff privileges, or employment is terminated or revoked for medical disciplinary cause or reason.; or, 3) Restrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason.
- Penal Code section 11105.2 establishes a protocol whereby the DOJ reports to the Board whenever Board applicants, registrants or licensees are arrested or convicted of crimes. In such instances, the DOJ notifies the Board of the identity of the arrested or convicted applicant, registrant or licensee in addition to specific information concerning the arrest or conviction.

Additionally, registrants and licensees are required to disclose at the time of renewal all convictions since their last renewal.

Although the number of reports the Board received from the required entities is low, the Board is not currently experiencing any problems regarding the receipt of reports from entities required to report identified incidents to the Board.

Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board is subject to a statute of limitations period as set forth in Business and Professions Code section 4990.32 and 4982.05. An accusation must be filed within three years from the date the Board discovers the alleged act or violation or within seven years from the incident date, whichever occurs first. Cases regarding procurement of a license by fraud or misrepresentation are not subject to the limitations.

An Accusation alleging sexual misconduct must be filed within three years after the Board discovers the act or omission alleged as the ground for disciplinary action, or within ten years after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first. In cases involving a minor patient, the seven and ten year limitation is tolled until the child reaches 18 years of age.

In the last three years the Board has lost jurisdiction in only one case due to the limitation period. As a result, the Board implemented monitoring procedures to ensure that limitation deadlines are identified and that cases are monitored closely through the review and investigation process. If a case is forwarded for formal investigation, the investigator is informed of the limitation deadline and staff frequently follows up with the assigned investigator to track the progress. If violations are confirmed and the case is transmitted to the office of the Attorney General, the Deputy Attorney General assigned to the case is informed of the limitations deadline to ensure prompt filing of charges.

Describe the board's efforts to address unlicensed activity and the underground economy.

The Board provides several publications and information to consumers on its Website relating to the selection of a mental health practitioner and verification of an individual's license status. Any complaint received by the Board related to unlicensed activity is investigated. Investigations confirming unlicensed activity result in the Board issuing a citation and fine up to $5,000 to the unlicensed individual or referring the case to the Attorney General's Office or the local district attorney's office for appropriate action.

Citation and Fine

Discuss the extent to which the board has used it's cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the $5,000 statutory limit?

A citation and fine order is an alternative means by which the Board can take an enforcement action against a licensed or unlicensed individual who is found to be in violation of the Board's statutes and regulations. The citation and fine program increases the effectiveness of the Board's disciplinary process by providing a more effective method to address relatively minor violations that normally would not warrant more serious license discipline in order to protect the public.

Citations and fine orders are not considered formal disciplinary actions, but they are matters of public record. Business and Professions Code section 125.9 authorizes the Board to issue citations and fines for certain types of violations. A licensee or registrant who fails to pay the fine cannot renew his/her license until the fine is paid in full. The Board has not increased its maximum fine ($5000) since the last review.

How is cite and fine used? What types of violations are the basis for citation and fine?

A citation and fine is appropriate if an investigation substantiates a violation of the Board's statutes and regulations, but the violation does not warrant formal disciplinary action. A citation and fine order contains a description of the violation, an Order of Abatement which directs the subject to discontinue the illegal activity, a fine (based on gravity of the violation, intent of the subject and the history of previous violations), and

procedures for appeal. Payment of a fine does not constitute an admission of the violation charged, but only as satisfactory resolution of the citation and fine order.

Frequently, citations are issued for violations related to unlicensed practice, practicing with an expired license, record keeping, advertising violations or failure to provide treatment records in accordance with the law.

In assessing a fine, the Board, considers the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

An individual to whom a citation is issued may choose to appeal their case at an informal office conference. The informal office conference is a forum for the individual to provide information or mitigation not previously considered by the Board. Documentary evidence such as sworn witness statements and other records will be accepted. The individual can be present at the informal office conference with or without counsel or he or she may choose to be represented by counsel alone. All information submitted will be considered. The Board may affirm, modify or withdraw the citation. Most citations are uncontested and result in full payment. Since the last review the Board has averaged six informal office conferences each year. During this same time period the Board received six requests for an administrative hearing to appeal the citation and fine.

What are the 5 most common violations for which citations are issued?

The five most common violations for which citations are issued are as follows:

- Misrepresentation as to the type or status of a license or registration held.
- Misrepresentation as to the completion of continuing education requirements.
- Failure to complete specific continuing education coursework requirements.
- Failure to maintain patient confidentiality.
- Providing services for which licensure is required.

What is average fine pre- and post- appeal?

The average fine pre-appeal is $1730. The average fine post-appeal is $1042.

Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board utilizes the Franchise Tax Board Intercept Program which allows tax refunds to be intercepted as payment for any outstanding fines. Typically, uncollected fines are related to unlicensed individuals that the Board has limited information on to pursue collection.

Cost Recovery and Restitution

Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

Pursuant to Business and Professions Code Section 125.3, the Board is authorized to request that its licensees who are disciplined through the administrative process reimburse the Board for its costs of investigating and prosecuting the cases. The Board seeks cost recovery regardless of whether the case is settled by stipulation or proceeds to an administrative hearing.

Probationers are afforded a payment schedule to satisfy the cost recovery. However, compliance with cost recovery is also a condition of probation. Non-compliance with this condition may result in the case returning to the AG's Office to seek revocation or to extend the probation term until the cost recovery is made in full.

How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

During the settlement process, the Board will frequently offer to reduce costs as an incentive to settle a case prior to a hearing. This strategy is beneficial to all parties in that hearing costs and time to resolve the matter are reduced, the individual may continue to practice while on probation, and the individual's violations and probation terms are publicly disclosed sooner.

Probationers are required to pay the cost recovery ordered as a condition of probation and must be paid in full prior to the end of probation. The Board establishes a payment schedule for probationers to pay their cost recovery, spreading the payments throughout the probation term.

Cost recovery is not always collected in disciplinary cases that resulted in the surrender of a license. Often, one of the terms in the final order accepting the license surrender requires that the cost recovery must be paid in full, if the individual were to reapply to the Board. In these situations, the individual may never reapply and the Board will not collect the cost recovery.

Table 11. Cost Recovery (list dollars in thousands)

	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Total Enforcement Expenditures*	1,697,178	1,049,902	963,187	1,362,313
Potential Cases for Recovery **	61	63	55	49
Cases Recovery Ordered	60	60	53	48
Amount of Cost Recovery Ordered	117,457	128,590	191,835	207,943
Amount Collected	75,746	58,225	72,457	82,302

* Figure represents Board's Enforcement budget and does not include staff expenditures.
** "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Are there cases for which the board does not seek cost recovery? Why?

The Board seeks cost recovery in every formal disciplinary case although Administrative Law Judges often reduce the amount of cost recovery payable to the Board. The Board's request is made to the Administrative Law Judge (ALJ) who presides over the hearing. The ALJ may award full or partial cost recovery to the Board or may reject the Board's request for cost recovery.

Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board does use the Franchise Tax Board to collect cost recovery. As noted previously, most of the cost recovery ordered is directly related probationers. All probationers must pay cost recovery in full prior to the completion of their probation term.

Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Pursuant to Government Code section 11519, the Board may impose a probation term requiring restitution. In cases regarding violations involving economic exploitation or fraud, restitution is a necessary term of probation. The Board may require that restitution be ordered in cases regarding Medi-Cal or other insurance fraud. In addition, restitution would be ordered in cases where a patient paid for services that were never rendered or the treatment or service was determined to be negligent.

Table 12. Restitution (list dollars in thousands)

	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

Section 6
Public Information Policies

How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board actively updates its website to provide information regarding board activities as well as legislative and regulatory changes. Additionally, all webcasts of prior board meetings remain on the Board's website.

The Board is currently developing a social media presence (Facebook and Twitter) to increase awareness of the Board and its activities. All Board Meeting and Committee Meeting notices are posted to its website no later than 10 days prior to the meeting. Draft minutes are included in the subsequent meeting's materials packets. Following approval, all Board and Committee Meeting minutes are posted to the Board's website.

Currently, the Board has information regarding its board and committee meetings dating back to 2000.

Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?

Since 2012, the Board webcasts all board and some committee meetings. Prior meeting webcasts are available on the Board's website. The Board will continue its practice to webcast all board meetings and, as appropriate, some committee meetings. The length of time to retain webcast of prior meetings has not been established.

Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The Board publishes its annual meeting calendar prior to its August Board meeting.

Is the board's complaint disclosure policy consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure? Does the board post accusations and disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)?

The Board's complaint disclosure policy is consistent with the Public Records Act and the guidelines in DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. The Board posts all disciplinary actions (accusations, statement of issues,

and final orders) on its website. Disciplinary information is linked to the individual's record and consumers may view all documents by selecting the link provided.

What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The scope and practice of each Board licensee may be found on the Board's website under the consumer information link and viewing the *What is a LMFT, LCSW, LPCC, and LEP* link. The Board's home page provides a link to licensure verification through BreEZe. Using the BreEZe system a consumer may verify the licensee's issue and expiration date, license type, and view all prior disciplinary action, if any.

License requirements for all licensure types are available on the Board's website. These requirements include completion of a master level degree program, completion of supervised work experience hours, and passing the required licensure examinations. The Board will soon provide information regarding the qualifications necessary for a Licensed Professional Clinical Counselor to treat families and couples. As discussed previously, all disciplinary action is posted on the Board's website.

The Board does not provide information regarding awards, certificates, certifications, or specialty areas of practice.

What methods are used by the board to provide consumer outreach and education?

The Board's website has a designated "Consumer" tab that when selected, provides links to information such as the complaint process, online license verification, Board statistics, public disclosure, and the difference between mental health professionals. The Board also develops publications such as *Professional Therapy Never Includes Sex* and *Self-Empowerment – Choosing a Mental Health Professional in California* to provide consumers information to consider when seeking mental health treatment.

The Board also offers a subscriber list that allows anyone to enter their email address to receive email alerts about major updates to the Board's website. The subscriber may select the type of information they wish to receive. Examples include general information and enforcement actions.

Section 7
Online Practice Issues

Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

The Board's Strategic Plan Licensing Goal 1.5 is to investigate the use of technology for record keeping and therapeutic services and its effects on patient safety and confidentiality. The Board plans to establish best practices for licensees.

The Board is aware that the delivery of mental health services via electronic means is increasing. Concerns associated with mental health services delivered electronically include patient confidentiality, suitability of the patient to receive services electronically, knowledge of local emergency services to refer the patient to during an emergency, and ensuring the individual providing the service is appropriately licensed.

To address these concerns, the Board is running a rulemaking package to provide criteria for mental health professionals engaging in Telehealth in California. The Board believes this proposal will provide consumer protection and establishes clear expectations for licensees engaged in Telehealth services.

The Board anticipates that additional regulatory and/or legislative proposals will be necessary in the future as the use of Telehealth to treat consumers seeking mental health services increases.

Section 8
Workforce Development and Job Creation

What actions has the board taken in terms of workforce development?

The Board remains committed to ensuring that mental health professionals are qualified to provide services to California's diverse population. To this end, the Board established the Out-of-State Education Review Committee to identify any barriers to the licensure process in California. As a result of the Committee's work, the Board sponsored legislation that provides greater flexibility to remediate application deficiencies without compromising licensing standards.

Further, the Board was an active participant in the Office of Statewide Health Planning and Development's Mental Health Services Act Workforce Education and Training Advisory Committee. The Committee and stakeholders collaborated to develop a five

year plan to continue its work to develop a diverse workforce and expand the roles of families, individuals, and the community in mental health services.

Describe any assessment the board has conducted on the impact of licensing delays.

The Board's previous application backlog and implementation of BreEZe compelled the Board to review its existing processes and procedures. The lack of sufficient resources did contribute to the Board's processing delays. However, Board management and staff also identified processes that could be eliminated or revised to improve application processing times.

One barrier was the calculation of supervised work experience hours for two of the Board's licensing professions. Both the LMFT and LPCC statutes required supervised work experience hours in various categories with minimum and maximum limits. Throughout the years, the various categories expanded and became a source of confusion for both the registrant gaining the hours and the supervisor approving the hours. Further, the evaluation of these applications was time consuming for Board staff to ensure the correct ratio of supervision and number of supervised work experience hours was gained.

In contrast, the LCSWs do not have the variety of categories in which they must obtain supervised work experience. The LCSW experience hours require supervised work experience in a clinical and non-clinical category with the same ratio of supervision as the LMFTs and LPCCs. Accordingly, these license applications are less time consuming to evaluate.

Through the work of the Supervision Committee, the Committee and stakeholders discussed options and ideas that would be more efficient without compromising public safety. The Board subsequently sponsored legislation to reduce the categories to two – clinical experience and non-clinical experience for LMFTs and LPCCs. The Board believes this revision will remove a number of barriers that exist in obtaining supervised work experience hours. Additionally, the applications will take less time to evaluate.

The implementation of the BreEZe database system created another opportunity for the Board to evaluate its current processes and procedures. Procedures specifically related to the previous legacy system that were no longer necessary were eliminated. Further, the Board initiated the use of online renewal of licenses and registrations in November 2014. As of October 1, 2015, licensees and registrants are now able to update their address and request a duplicate or replacement certificate online. The Board anticipates releasing additional online features after the implementation of the examination restructure.

Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

In June 2015, due to several revisions to the educational requirements to become a Licensed Marriage and Family Therapist and a Licensed Professional Clinical Counselor, the Board contacted all graduate programs to confirm that their degree programs comply with current educational requirements. The graduate program

certification provided by the school identifies specific coursework that satisfies the licensure requirements in California. The schools participating in this project that are confirmed to comply with the law are listed on the Board's website. The Board maintains this documentation in its files.

Recently, the Board resumed attendance at the Marriage and Family Therapy Consortium Group meetings. This group is comprised of educators who meet on a quarterly basis discussing the education and training of students for licensure as a Licensed Marriage and Family Therapist (LMFT). Board staff provides a quarterly update regarding matters that may affect LMFT students, registrants, and licensees. The update is frequently provided through a conference call or on occasion, in person. Participating in these quarterly meetings provides an opportunity to engage in ongoing dialogue between the educators and the Board regarding current and emerging topics that may affect students and ultimately, LMFTs.

Since 2012, the Board has participated in a webinar with the University of Southern California's School of Social Work to discuss the licensure process with the social work students. Students are able interact directly with Board staff to ask questions regarding the licensure process. These webinars are recorded and are subsequently available on YouTube.

The popularity of these webinars inspired the Board to collaborate with the Department of Consumer Affairs Public Affairs unit to develop a video tutorial regarding the licensure process for social workers. This video tutorial is now available on the Board's website. The Board plans to develop video tutorials for the other licensing professions. Video tutorials regarding the changes to the Board's examination process will be available in October 2015.

Provide any workforce development data collected by the board, such as:

a. Workforce shortages

b. Successful training programs.

The Board does not collect data regarding workforce shortages or training programs.

Section 9
Current Issues

What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

The rulemaking package to implement Senate Bill 1441 (Chapter 548, Statutes of 2008) was approved by the Secretary of State on June 23, 2015 and took effect on October 1, 2015.

What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Enforcement Regulation package to implement the Department of Consumer Affairs Consumer Protection Enforcement Initiative provisions that do not require statutory authority became effective July 1, 2013.

Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

The Board was part of Release 1 for the new BreEZe data system. Release 1 was implemented on October 8, 2013. Several members of Board staff worked nearly full time during the design and testing phases in the months leading up to the release.

The transition to BreEZe was challenging, but not impossible. Prior to the implementation of the BreEZe system, Board staff attended training through DCA SOLID and Board "in-house" training to become familiar with the new data system. The "in-house" training was provided to assist Board staff with their specific job duties.

To manage the transition to BreEZe, Board management established a process during those early days that allowed staff to identify possible issues to existing business procedures due to the data system's design and functionality. This process allowed Board staff and management to evaluate the issue, determine a possible solution to the issue, and to consider any impact the solution may have to procedures or the data system; and if appropriate, submit a request for change to DCA's BreEZe team.

The Board opted to phase in some of the online features of BreEZe. The Board determined this strategy was the best method to manage the scope of change for Board staff and stakeholders. In November 2014, the Board released the BreEZe online renewal feature. This release was relatively uneventful. Daily, the use of online renewal is growing.

Since the initial launch of BreEZe, Board staff continues to work with the DCA BreEZe team and the vendor to develop and enhance reports for licensing and enforcement purposes. Additionally, the Board continues its work to identify issues in the data system and to submit a request for change, if appropriate.

Currently Board staff is working with the DCA BreEZe team to implement the requirements for its examination restructure. This collaboration differs slightly from the

work completed to initially implement the BreEZe database system. Specifically, the design plan is being developed by Board staff and the DCA BreEZe team and not the vendor.

The completed design plan has been submitted to the vendor to confirm the viability of the plan, obtain estimates for costs and time required to build the design, and support after the design is implemented. The Board's examination restructure design is a pilot project for the Board and DCA. However, this collaboration appears to be efficient and does provide some cost savings to the Board.

Section 10
Board Action and Response to Prior Sunset Issues

Include the following:

1. ***Background information concerning the issue as it pertains to the board.***
2. ***Short discussion of recommendations made by the Committees/Joint Committee during prior sunset review.***
3. ***What action the board took in response to the recommendation or findings made under prior sunset review.***
4. ***Any recommendations the board has for dealing with the issue, if appropriate.***

ISSUE #1 What is the status of the strategic plan?

2012 Committee Recommendation:

The BBS should advise the Committee of the current status of their Strategic Plan and whether there should be an update of the Strategic Plan.

2012 Committee Comments:

…Considering the Strategic Plan has not been updated since 2010, a review of the Strategic Plan and an update may be warranted. The BBS should review if there have been any impediments to pursuing the goals set forth in the Strategic Plan, ascertain if the goals are currently relevant and make adjustments to the plan in order to guarantee that the goals are achievable.

Board Response:

In August 2013, the Board initiated the process to update its Strategic Plan. The current Strategic Plan in effect through 2017 was adopted on November 21, 2013.

ISSUE #2 What is the status of pending regulations?

2012 Committee Recommendation:

The BBS should inform the Committee of the current status of their implementation of the law. Specifically, what actions has the BBS taken to implement the 5 "pending" regulations including the regulations which would implement SB 1441 and AB 2699?

2012 Committee Comments

..Five regulatory packages were "pending" at the time the Sunset Report was submitted with the notation that one regulation was submitted to OAL for initial notice by the end of 2011, three would be reviewed at the November 2011 Board meeting, and another would be reviewed at the February 2012 meeting. Among these proposals, the regulatory changes to implement SB 1441 (scheduled for review by BBS in November 2011) and AB 2699 (scheduled for review by BBS in February 2012) have been identified as critical items for the BBS to update the Committee about.

Board Response

The Board has completed the rulemaking process for the four of the five regulatory packages referenced in the 2012 Sunset Review. These packages are as follows:

- Enforcement Regulations to implement the Department of Consumer Affairs Consumer Protection Enforcement Initiative provisions that do not require statutory authority. These regulations became effective July 1, 2013.
- Regulations to Implement Senate Bill 363 (Chapter 384, Statutes of 2011) became effective on October 1, 2013.
- Enforcement Regulations to revise the Board's Disciplinary Guidelines became effective July 1, 2013.
- The rulemaking package to implement Senate Bill 1441 (Chapter 548, Statutes of 2008) was approved by the Secretary of State on June 23, 2015 and took effect on October 1, 2015.

The fifth package, the Examination Restructure Regulations, was withdrawn in May 2013, as staff learned that the implementation date conflicted with the implementation of the BreEZe database system. Therefore, implementation of the Board's examination restructure was delayed until January 1, 2016.

On November 14, 2014, the Examination Restructure rulemaking package was published in its California Regulatory Notice Register. The public hearing was held on December 29, 2014, and the 45-day public comment period has ended. This proposal is currently under review by the Office of Administrative Law.

The Board has not proposed a rulemaking package to implement the provisions of Assembly Bill 2699 (Chapter 270, Statutes of 2010). This bill proposes exemptions for licensees participating in Sponsored Free Health Care Events. These events often provide free medical, dental, or eye care services and utilize the services of state licensees or perhaps, licensees from other states.

Mental health services are not offered at these events. Attendees at these events may seek information regarding available resources for their current situation. Although a licensee may have this information, providing the information does not require licensure. Therefore, the Board did not propose regulations to implement AB 2699. Furthermore, the Board has not received a request for a licensure exemption for attendance at one of these events.

ISSUE #3 LICENSING- NEW LICENSE CATEGORY

2012 Committee Recommendation:

The BBS should provide an update to the Committee on the current status of the LPCC category including information about training programs, licensed LPCCs and any challenges to implementing this new license category. The BBS should also indicate if any legislation needs to be proposed in order to help the BBS more effectively oversee this facet of the profession and serve the professional interests of licensees.

2012 Committee Comments:

Effective January 1, 2010, a fourth mental health profession, Licensed Professional Clinical Counselor, was added to the Board's jurisdiction….Considering that the LPCC is the newest license category; the Committee desires to know if the Board has fully implemented this new licensing category. What is the current status of training programs for LPCC candidates? What is the current status of newly licensed Professional Clinical Counselors? Have there been any challenges in this process? Is any legislation needed to assist the Board in overseeing the training and/or licensing process for LPCCs?

Board Response:

The Board faced multiple challenges to implement this new licensure program: limited resources, hiring constraints; and fifteen months to develop the infrastructure necessary for a new program. Despite these challenges and through the extraordinary efforts of existing Board staff, the Licensed Professional Clinical Counselor licensure program was established.

Since the last review, the LPCC Grandparent application deadline ended on December 31, 2011. Qualified applicants who applied using this pathway and completed the licensure process are now licensed. With the end of the LPCC Grandparent pathway, all applicants must apply using the traditional pathway to licensure. As of June 30, 2015, there are 1,260 LPCCs and 1,102 LPCC Interns.

The Board continues its work to refine the LPCC program through regulation and legislative proposals. These proposals either clearly define a statutory requirement or revise existing statutes to remove barriers to licensure.

ISSUE #4 WHAT IS THE CURRENT STATUS OF THE NBCC PROCESS

2012 Committee Recommendation:

The BBS should provide an update to the Committee on the current status of the use of the NBCC licensing examination for LPCCs.

2012 Committee Comments:

In 2011, the Board voted to use the National Clinical Mental Health Counseling Examination (NCMHCE) in order to license LPCCs in California. The examination is developed and administered by the National Board for Certified Counselors (NBCC) which is located in North Carolina… Considering that the adoption of the NBCC for licensing LPCCs is a new procedure, the Committee desires to know how this change has or will affect prospective licensees. Has the BBS fully adopted use of the NBCC with its prospective licensees? What is the current status of this process? Have there been any challenges in switching to the NBCC Examination?

Board Response:

The Board continues to use the National Clinical Mental Health Counseling Examination (NCMHCE) to license LPCCs in California. This national examination is offered by the National Board of Certified Counselors (NBCC). The use of this national examination for licensure in California provides the opportunity for licensure portability for not only California licensees; but also for LPCC licensees from other states who wish to practice in California.

The Board has not experienced any significant challenges to use this examination. Exam candidates schedule their examinations directly with NBCC after the Board has approved their application for the examination. Score reports and statistics from NBCC are provided in a timely manner. Additionally, NBCC resolves testing concerns quickly and ensures all candidates requesting testing accommodations pursuant to the ADA are provided with the appropriate accommodation.

ISSUE #5 SHOULD THE BBS USE A NATIONAL DATA BANK TO CHECK THE BACKGROUND OF APPLICANTS FOR LICENSURE?

2012 Committee Recommendation:

The BBS should provide rationale to explain why they do not utilize a national data bank to check the background of applicants for licensure.

2012 Committee Comments:

… To determine if an applicant has had prior disciplinary history, the BBS can verify out-of-state licensure status through other state regulatory boards and by conducting a query through the Healthcare Integrity and Protection Data Bank. For verification of in-state licensure status, the BBS can check for prior disciplinary actions through the Commission on Teacher Credentialing and the Consumer Affairs System (CAS).

Though the process for checking the background of an applicant who has been trained or practiced within the state of California seems to be thorough, the Committee is concerned about the steps taken to fully check the background of an applicant who has previously practiced outside of the state. For example, in the most recent Sunset Report, BBS indicated that they do not currently utilize a national data bank to retrieve information about prospective licensees.

The Committee is concerned with the protection of the public and the effective operation of the profession. As such, it is imperative that steps be taken to thoroughly examine a potential licensee's professional background and criminal history.

Board Response:

The Healthcare Integrity and Protection Databank is the national databank relating to disciplinary boards. The accuracy, completeness, and timeliness of the information are dependent upon states and other required reporters fulfilling their statutory duty to report. A recent review of the national databank website revealed that not all 50 states are reporting. A fee per query is required to access this information. The fee is processed whether or not the query is accurately submitted or not.

In lieu of using the national databank, the Board verifies out-of-state applicant's licensure status through the state regulatory boards in which the applicant is licensed. This verification process also provides any disciplinary history, if any exists. Additionally, the Board requires all applicants to submit fingerprints and receive a criminal background clearance prior to issuing a license or registration. Both California records (Department of Justice) and the Federal Bureau of Investigation databases are checked.

Combined, these two requirements for out-of-state applicants provide the Board with reliable information to make decisions about an individual's application.

The Board may consider using the national databank as an adjunct to its existing process in the future. However, the limitations of the databank and the associated fees should be evaluated to determine what additional benefit the Board gains by using this service.

ISSUE #6 WHY IS BBS NOT MEETING ITS PERFORMANCE TARGETS?

2012 Committee Recommendation:

The BBS should provide updated data reflecting the current timeframe for issuing licenses and outline a plan to meet the performance targets outlined by the BBS.

2012 Committee Comments:

While in FY 2008/2009 the licensing and cashiering staff was able to meet the performance standards, the combination of the existing vacancies and increase in workload have significantly increased the BBS's processing times. At the present time, the BBS is not meeting these performance targets due to vacancies over the last year in both the licensing and the cashiering units. Many of the duties within the licensing and

cashiering units are assigned to one or two staff members to process the workload. Any vacancies in these areas have an immediate and adverse effect on processing times.

Moreover, the overall application volumes have increased 13% in the last three years. In order to maintain a continual workload in both the licensing and cashiering units, the BBS staff in other units have been cross-trained to assist in the preparation of all applications received by the Board. This allows the remaining staff in the licensing and cashiering units to process applications more expediently.

The Committee understands that vacancies in the licensing and cashier unit have impacted the processing time for licenses. However, it would be helpful to provide data reflecting what the current licensing timeframes are. What is the plan to rectify this issue?

Board Response:

As previously discussed, due to the efforts of the additional staff received in FY 2014/2015 and temporary staff, the Board has eliminated its application backlog. Processing time frames are now reasonable. Examination eligibility applications are processing with 60 days. All other applications are processed in less than 30 days.

ISSUE #7 DOES THE BBS HAVE ADEQUATE AUTHORITY TO OVERSEE THE COURSE CONTENT OF CONTINUING EDUCATION PROVIDERS?

2012 Committee Recommendation:

Even though the BBS has assured that NARTH has been removed from the list of approved CE Providers, and would have to apply for a new initial approval in order to become a CE Provider, the BBS should assure that it has sufficient authority to review the course content of both initial and renewal provider applications, and to deny the approval or renewal of those applicants who offer courses which teach inappropriate methods or practices. The BBS should report to the Committee its current assessment of changes that may need to be made to the requirements for CE Providers, and advise the Committee on any legislative changes that should be made. The BBS should further work with the stakeholders in the profession and in the Legislature to make the appropriate procedural, regulatory or legislative changes to its CE program.

2012 Committee Comments:

… A recent case illustrates need for the BBS to review its process for approving CE Providers, and make appropriate changes to its procedures, or recommend legislative changes to its CE requirements. In July of 2011, the BBS began receiving complaints from the public regarding the BBS approved CE Provider, the National Association of Research and Therapy of Homosexuality (NARTH). The BBS received hundreds of emails from individuals protesting the approval of an organization that offers “reparative” or “conversion” therapy for individuals that have unwanted homosexual tendencies. NARTH was approved by the Board as a CE Provider in 1998. As of November 1, 2010 NARTH had not renewed its Provider Approval and is currently unable to provide CE

courses to the BBS licensees for credit. Since that time NARTH's approval remained expired for more than one year and can no longer be renewed, and has been cancelled by the BBS. In order to become a CE Provider, NARTH would have to apply for a new Provider authorization from the BBS.

One of the primary factors in this issue is that NARTH has advocated the use of "reparative" or "conversion" therapy. Conversion therapy (also called reparative therapy or reorientation therapy) is a type of sexual orientation change effort that attempts to change the sexual orientation of a person from homosexual or bisexual to heterosexual. The American Psychological Association defines conversion therapy as "therapy aimed at changing sexual orientation." The American Psychiatric Association states that conversion therapy is a type of psychiatric treatment "based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his/her sexual homosexual orientation." Both the American Psychiatric Association and the American Psychological Association have rejected the concept of conversion therapy for therapists.

However, the approval of an organization advocating conversion therapy, such as NARTH, by the BBS drew the attention of the public and a number of legislators. Since that time, BBS staff has met with legislative staff to discuss the provider approval process and deficiencies in the process. Concern has been expressed over the approval of NARTH and the provider approval process.

Board Response:

In response to the concerns regarding the Board's limitations under its current continuing education program, the Board established the Continuing Education Program Review Committee (CE Committee) in November 2011. During 2012, the CE Committee conducted a series of meetings with stakeholders and interested parties to assess the Board's current continuing education program and to develop recommendations to improve the Board's continuing education program.

The review encompassed researching various continuing education and accreditation models throughout the state and country. CE Committee members, stakeholders, and interested parties were afforded the opportunity to provide comment about the current continuing education program and the proposed changes. The work of the CE Committee was completed in late 2012 and the recommendations to revise the Board's continuing education program were presented to Board for approval in 2013.

The CE Committee recommended significant changes to the Board's continuing education program. Specifically, the CE Committee recommended ceasing the Board's continuing education provider approval program. The CE Committee further recommended that licensees would be required to obtain continuing education from Board recognized approval agencies (national entities with established continuing education programs) or Board recognized continuing education providers (professional associations).

On February 28, 2013, the Board approved the proposed revisions to its continuing education program and directed staff to initiate the rulemaking process. On September

16, 2014, the Office of Administrative Law approved the changes to the Board's continuing education program. These changes were effective January 1, 2015.

ISSUE #8 WHY IS STAFF TURNOVER RATE SO HIGH?

2012 Committee Recommendation:

The BBS should report the current status of vacancies and newly hired staff to the Committee. The BBS should review the nature of the remaining vacancies and report to the Committee its plan to fill the vacancies.

2012 Committee Comments:

Historically, the BBS has had very little staff turnover. Currently, the BBS has authorization for 43.3 staff positions and 3.3 blanket positions. The Governor's Hiring Freeze (Executive Order B-3-11) and the past Executive Orders for the Furlough Programs were adversely impacted the Board's recruitment efforts and operations. The BBS currently has eight vacancies and has initiated recruitment efforts to fill the following positions: 1 Staff Services Manager I, 1 Special Investigator, 1 Associate Governmental Program Analyst, and 5 Office Technicians. Recruitment efforts were not successful under the recent hiring freeze constraints. The majority of the vacancies are in the BBS's licensing and cashiering unit. The time of the year when the BBS sees an increase in the application volume has recently passed. Consequently, as a result of the ongoing vacancies, the BBS's processing times increased.

….The Committee understands the impact that the recent hiring freeze has had on the BBS. However, it would be helpful to explain to the Committee why so many vacancies exist. Has a survey of departing staff been conducted to ascertain why they left? What are the efforts to fix the problems that led to the vacancies? What are the plans to hire new staff and what are the impediments to accomplishing this task?

Board Response:

The vacancies identified in the 2012 Sunset Review Report were a result of the Board receiving new staff positions at the same time a hiring freeze was in effect. The lifting of the hiring freeze allowed the Board to fill vacancies in a timely manner. Since the 2012 Sunset Review, the Board has experienced relatively little turnover.

ISSUE #9 WHAT ACCOUNTS FOR THE DECLINE IN CONSUMER SATISFACTION?

2012 Committee Recommendation:

The BBS should review the nature of the vacancies in the licensing and cashiering unit and report to the Committee its efforts to hire staff. The BBS should outline the plan to improve customer satisfaction with staff and with the Website in the interim. The BBS should also provide suggestions about how the Committee might assist the BBS in operating at its full capacity thereby providing good customer service.

2012 Committee Comments:

The BBS began using a customer satisfaction survey in April 2008. However, the overall satisfaction rating with the services provided by Board staff has declined over the last three fiscal years. The BBS attributes this to existing vacancies in the licensing and cashiering unit. The BBS also states that it is continuing its efforts to improve communication to ensure important and relevant information is provided timely and efficiently.

It would be helpful to explain why there are vacancies in the licensing and cashiering unit. What are the efforts to hire new staff and what are the impediments to accomplishing this task? What changes does the BBS plan to implement in order to improve customer satisfaction- particularly as it relates to the customer's interactions with staff members and their interface with the Website?

Board Response:

In 2012, the Board began to see an improvement in its overall customer satisfaction rating. This trend continued in 2013. The improvement is attributed to the Board's ability to fill its vacancies and improved processing times. The Board discontinued the use of its survey in 2013 due to declining response rates. The Board is developing a new customer survey which will be implemented in the first quarter of 2016.

ISSUE # 10 HOW HAS THE BBS ADDRESSED THE INCREASE IN ENFORCEMENT WORKLOAD SINCE ITS LAST REVIEW?

2012 Committee Recommendation:

The BBS should detail the steps involved in reviewing the enforcement program and advise the Committee of the "duplicative and obsolete" processes that were eliminated. Have the changes made as a result of the enforcement program review resulted in any positive outcomes e.g. decreased work load and/or decreased consumer complaints? Also, what is the BBS's plan for continuing to handle the increased workload?

2012 Committee Comments:

Per the Sunset Review report, the BBS's enforcement workload has increased 210% since the 2004 Sunset Review. The enforcement data for FY 2010/2011 reflects the highest number of consumer complaints and conviction/arrest reports ever received by the Board, with a total of 1,981 cases. By comparison, in its 2004 Sunset Review, the BBS reported receiving 943 total cases. …The increasing enforcement workload requires the BBS to assess its resources and review its processes.

…The BBS completed a comprehensive review of its enforcement program in 2010. The review included all procedural steps from receipt of the complaint to closure. Many duplicative and obsolete processes were identified and eliminated. Considering the very high increases in consumer complaints and the increased workload, it is important to advise the Committee about the results of the 2010 review of the enforcement program and plans for improved enforcement of the profession.

Board Response:

Following the 2010 review of its Enforcement Program, the Board implemented several procedural changes to improve and increase efficiency. Some of these procedural changes included elimination of duplicate data entry and eliminating multiple reviews of non-jurisdictional cases prior to closing.

Additionally, the Board received one manager position and four (4) staff positions in FY 2014/2015 for its Enforcement Program. The new positions allowed the Board to reorganize the Enforcement Unit to provide consistent and ongoing oversight to the Enforcement Staff. These additional resources have allowed the Board to keep pace with the increasing workload.

ISSUE #11 WHY IS THE BBS UNDERSPENDING?

2012 Committee Recommendation:

The BBS should provide the Committee with an explanation of why the Board is not spending all funds under its authority.

2012 Committee Comments:

The BBS ended FY 2010/2011 with a reserve balance of $448,700, which equates to 6.9 months in reserve. The Board estimates FY 2011/2012 reserve balance to be approximately $120,900, equaling 1.7 months in reserve. The drastic decrease is a direct result of the $3.3 million loan to the General Fund in FY 2011/2012, revenue lost as a result of implementing a retired license status (Assembly Bill 2191, Chapter 548, Statutes of 2010), and the Departmental BreEZe Budget Change Proposal. In FY 2010/2011, the BBS reverted $1,063,586, due to spending $6,927,523 of its $7,991,109 budget.

Considering the staffing vacancies, and the impact on existing staff and on customer satisfaction, it is important that the BBS inform the Committee about the reasons that the BBS is not spending all funds it is authorized to spend.

Board Response:

The under-spending of Board funds was a result of numerous factors; specifically, the Executive Orders to reduce spending, furloughs, staff vacancies, hiring freezes, and the delayed implementation of BreEZe. These unique events in combination led to the large reversions in the past four fiscal years.

ISSUE #12 LOANS TO THE GENERAL FUND

2012 Committee Recommendation:

The Committee requests that the BBS provide an update about the status of the loans and when the funds are projected to be returned. Has the BBS received any report from the Department of Finance regarding the repayment of the loans?

2012 Committee Comments:

Since FY2002/2003 the BBS has made a total of three loans to the General Fund; $6 million in FY2002/2003, $3 million in FY2008/2009, and $3.3 million in FY2011/2012. To date, the BBS has not received any repayment. The total loan balance remains at $12.3 million.

Board Response:

The Board received a $1.4 million loan repayment in fiscal years 2012/2013 and 2013/2014. The Board is scheduled to receive the following loan repayments; $1 million (FY 2014/2015), $1.2 million (FY 2015/2016), and $2.4 million (FY 2016/2017) for a total repayment of $6 million. Should the Board receive all of the scheduled loan repayments the Board will have an outstanding balance of $6.3 million to the General Fund.

ISSUE #13 WEBCASTING MEETINGS

2012 Committee Recommendation:

The BBS should utilize webcasting at future Board meetings in order to allow the public the best access to meeting content and to stay apprised of the activities of the BBS and trends in the professions.

2012 Committee Comments:

In 2010 two BBS committee meetings were available via webcast. The Committee is concerned about the BBS's lack of use of technology in order to make the content of the BBS meetings more available to the public. Webcasting is an important tool that can allow for remote members of the public and/or those who are disabled to stay apprised of the activities of the Board as well as well as trends in the professions.

Board Response:

The Board concurs with the Committee's 2012 recommendation. Since February 2012, the Board has webcasted all quarterly board meetings with the exception of the May16-17, 2012 meeting. Additionally, the Board decided to webcast all Supervision Committee meetings. Committee meetings are not typically webcasted. However, due the nature of the Supervision Committee's work, the Board wanted to ensure all stakeholders and interested parties throughout California were aware of the discussions and had the opportunity to comment.

ISSUE #14 WHAT IS THE STATUS OF BREEZE IMPLEMENATION?

2012 Committee Recommendation:

The BBS should update the Committee about the current status of their implementation of BreEZe. What have the challenges of implementing the system been? What are the costs of implementing this system? Is the cost of BreEZe consistent with what the BBS was told the project would cost?

2012 Committee Comments:

BreEZe is an important opportunity to improve BBS operations to include electronic payments and expedite processing. The Board staff has actively participated with the BreEZe project. The Board's Staff Information Systems Analyst is designated as a Subject Matter Expert for the project.

Other Board staff members with extensive knowledge regarding the licensing, examination, cashiering and enforcement processes participated in workgroups providing their expertise regarding the BBS's business processes. Additionally, several Board staff members were assigned to participate in the workgroups to standardize forms, reports, and correspondences.

The BBS is scheduled to begin using BreEZe in the summer of 2012. It would be helpful to update the Committee about the Board's current work to implement the BreEZe project.

Board Response:

BreEZe was released in October 2013. The initial days of BreEZe were relatively uneventful for the Board and Board staff. Since the release, Board staff has identified "fixes" in the BreEZe system that would benefit Board processes and reporting capabilities. Yet, none of the requested "fixes" adversely affect Board operations.

In November 2014, the Board implemented the online renewal feature. At the August Board Meeting, staff reported that from April 1, 2015 through June 30, 2015, 27% of the renewal applications were completed using the online renewal feature. As of October 1, 2015, licensees and registrants are now able to update their address and request duplicate or replacement certificates online. The Board plans to add additional online features in future.

ISSUE # 15 SHOULD THE CURRENT BBS CONTINUE TO LICENSE AND REGULATE LICENSED CLINICAL SOCIAL WORKERS (LCSW), LICENSED MARRIAGE AND FAMILY THERAPISTS (LMFT), LICENSED PROFESSIONAL CLINICAL COUNSELORS (LPCC), AND LICENSED EDUCATIONAL PSYCHOLOGISTS? SHOULD THE REGISTRATION OF ASSOCIATE SOCIAL WORKERS (ASW), MARRIAGE AND FAMILY THERAPIST INTERNS (IMF), PROFSSIONAL CLINICAL COUNSELOR INTERNS (PCI), AND CONTINUING EDUCATION PROVIDERS CONTINUE TO BE REGULATED BY THE CURRENT BOARD?

2012 Committee Recommendation:

Recommend that the LCSW, LMFT, LEP and LPCC professions and registration of ASW, MFT Interns, PCC Interns and Continuing Education Providers continue to be regulated by the current the BBS in order to protect the interests of consumers and be reviewed once again in four years.

2012 Committee Comments:

The health and safety of consumers is protected by well-regulated professions. The BBS is charged with protecting the consumer from unprofessional and unsafe licensees. It appears as if the BBS has been an effective and for the most part an efficient regulatory body for the professions that fall under its purview. Therefore, the BBS should be granted a four-year extension of its sunset date.

Board Response:

The Board concurs with the Committee's recommendation and comments.

Section 11
New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

Issues that were raised under prior Sunset Review that have not been addressed.

The Board has addressed all issues identified in the prior Sunset Review.

New issues that are identified by the board in this report.

Board Resources

Both the Board and its stakeholders remain concerned that the Board lacks sufficient resources to address existing and new workload. The Board has only recently recovered from severe application backlogs and the possibility that new workload could adversely compromise this progress is alarming.

The Board has been fortunate to receive additional staffing resources for both its licensing and enforcement programs in the past two fiscal years. Yet, these additional positions create a perception that the Board should be sufficiently staffed. This perception is not accurate.

The additional staff provided the Board with resources to address existing workload and does not consider any increase in the Board's licensee and registrant population or any major changes to existing programs. Further, it was through the efforts of these new positions and the addition of temporary staff that the Board was able to reduce its application backlogs to more reasonable processing times.

The Board will continue to see its licensee and registrant population increase. Some of the increase will occur as a result of natural growth. However, the Board anticipates that the growth in the LPCC profession will reflect significant increases in the coming years.

Applications from the first LPCC graduates from California LPCC degree programs were received in 2015. Although the initial number of applications was smaller in comparison to our other professions, the volume will increase each year due to ease of license portability for this profession.

Ultimately, the Board will experience increased application volumes and enforcement cases. Moreover, the Board will implement the examination restructure affecting over 34,000 registrants in January 2016. The application volume, an estimated 61,000 during the first year, for this new examination process will be at levels the Board has never experienced before. Therefore, the Board's staffing levels cannot remain static and requests for additional staffing must be approved to avoid catastrophic application backlogs.

New issues not previously discussed in this report.

Implementation of the Examination Restructure

Effective January 1, 2016, the Board will implement a new examination process. Under the new examination process, all Board registrants are required to take and pass a Law and Ethics examination. All registrants must take the Law and Ethics examination at least once a year to renew their registration. Currently, the Board has over 34,000 registrants who will be required to submit an application to take the Law and Ethics examination.

Registrants who are not successful in the Law and Ethics examination will have the opportunity to retake the Law and Ethics examination every 90 days. The Board estimates that it will receive over 61,000 applications (initial examination application and retake applications) within first year of the new examination restructure and over 31,000 ongoing.

In addition to the application volume the examination restructure will generate, requests for testing accommodations, mail, emails, and telephone calls will also increase. If the Board does not have sufficient resources to address all of the increased workload associated with the examination restructure, applicant files will be closed due to the Board's inability to process all applications timely or applicants will be unable to renew their registration. Applicants will be required to reapply for examination which will create an unnecessary and overwhelming workload from which the Board would be unable to recover from. Registrants will be unable to renew their registration which may cause them to lose their job. Moreover, failure to process requests for testing accommodations timely may be viewed as discriminatory.

Therefore, it is essential the Board have sufficient resources that are necessary to avoid all adverse consequences associated with failing to process the workload timely.

Participation in National Association Meetings Related to National Examinations

Effective January 1, 2016, the Board will begin using a second national examination for licensure in California. Together, the use of the Association of Social Worker Board's national examination and the National Board of Certified Counselor national examination improves license portability for social workers and professional clinical counselors.

Prior to using both of these examinations, the Board conducted an extensive review of both examinations. The purpose of the review was to determine if both of the

examinations satisfied the criteria for examinations specified in Business and Professions Code (BPC) section 139.

As expected, the content of each national examination was not solely specific to the diverse practice of mental health in California. However, both examinations are constructed in a manner that will assess a candidate's competency and requisite knowledge of mental health practice. Therefore, the Board determined that both national examinations would be suitable for licensure in California.

The continued use of national examinations for licensure requires active participation in decisions regarding the national examination. These decisions are discussed at annual meetings or conferences. Often these meetings are held outside of California. The restrictions on out of state travel are such that the Board is unable to attend these meetings, despite the entity sponsoring the event's willingness to pay all costs. Therefore, the Board is excluded from participating in these decisions that will impact California's licensure process.

The Board is confident that each examination will continue satisfy the requirements specified in BPC 139. However, the Board remains concerned that the content and delivery of the examination continue to be relevant to California mental health practice. Attendance at these national meetings will ensure that continued use of a national examination for licensure in California is appropriate.

Testing Accommodations for English as a Second Language Candidates

At the August 2013 Board meeting, Board Members listened to requests from examination candidates to consider reinstating a testing accommodation for candidates for which English is their second language (ESL). The Board previously offered extended time to ESL candidates from 2000 to 2011 but this was discontinued because ESL was not a disability pursuant to the Federal Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act.

The examination candidates explained that ESL candidates find it difficult in a timed environment to translate the questions during the examination. The ESL candidates wondered if the cancellation of the ESL accommodation is in the best interest of the culturally diverse population in California.

Since August 2013, the Board has explored and considered a variety of options that would satisfy the request from the ESL candidates without affording one population of examination candidates an advantage over other examination candidates. Since ESL is not a disability pursuant to the ADA, achieving the balance between the Board's examination responsibilities and recognizing California's diverse population was challenging for the Board.

At the August 2015 Board meeting, the Board members considered proposed regulatory language to provide ESL candidates extra time for the examination. To qualify for the extra time, the ESL candidate must provide one of three specified documents and submit a request for the extra time to the Board. If approved, the ESL candidate will be allowed time and a half to complete the examination. The Board Members approved the proposed language and directed staff to initiate the rulemaking process.

New issues raised by the Committee.

As discussed previously, the Board implemented the Uniform Standards for Substance Abusing Licensees and the Consumer Protection Enforcement Initiate (CPEI) regulations. Additionally, the Board continues to participate in the development of the BreEZe data system. The Board's participation is modifying and testing changes specific to the Board or changes affecting all DCA licensing, cashiering, and enforcement processes.

At this time, the Board is unaware of any additional Committee issues or concerns.

Section 12
Attachments

Supervision Survey

Occupational Analysis – LMFT and LEP

Organizational Charts for four years

Board Procedure Manual