Board of Behavioral Sciences

1625 North Market Blvd.
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Sacramento, CA 95834
(916) 574-7830
TDD (800) 326-2297
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www.bbs.ca.gov

# BOARD MEETING NOTICE
# August 27-28, 2015

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.*

## *Thursday, August 27, 2015*
## *8:00 a.m.*

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

I. Petition for Modification of Probation for Gimone Bryant, ASW 36074

II. Petition for Modification of Probation for Feroozan Jami, IMF 69435

III. Petition for Early Termination of Probation for Maatisak Amenhetep, LCSW 19290

IV. Petition for Early Termination of Probation for Theresa Fenander, LCSW 25391

V. Petition for Early Termination of Probation for Sarah Shems, IMF 70128

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

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

**FULL BOARD OPEN SESSION**

X. Adjournment

***Friday, August 28, 2015***
***8:30 a.m.***

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

XI. Introductions*

XII. Approval of the May 20-21, 2015 Board Meeting Minutes

XIII. Chair Report

XIV. Executive Officer's Report

a. Budget Report
b. Operations Report
c. Personnel Report

XV. Strategic Plan Update

XVI. Supervision Committee Update

XVII. Examination Restructure Update

XVIII. Review and Discussion of the Board of Behavioral Sciences Sunset Review Report

XIX. Policy and Advocacy Committee Report

a. Recommendation and Possible Action to Rescind the Following Board Policies

i. Complaint Disclosure Policy #E-06-02
ii. Public Disclosure of License Verification Policy #E-06-01
iii. Advertising Psychotherapy/Psychologist Policy #E-95-2
iv. Correspondence Degree Program Policy #L-98-02
v. License Surrender Policy #E-96-1
vi. Mail Ballots and Confidentiality of Executive Session Policy #B-02-1

b. Recommendation and Possible Action to Revise the Following Board Policies

i. Record Retention Schedule for Enforcement Related Files Policy #E-00-1
ii. Third Party Complaint Policy #E-98-01
iii. Succession of Officers Policy #B-05-1
iv. Board Member Attendance and Reimbursement Policy #B-98-1

XX. Discussion and Possible Action Regarding Proposed Regulations for Telehealth

XXI. Status of Board Sponsored Legislation and Other Legislation Affecting the Board

XXII. Status of Board Rulemaking Proposals

XXIII. Presentation and Discussion of the Use of the Title “Intern” vs “Associate”

XXIV. Discussion and Possible Action Regarding English as a Second Language Accommodation for Examination Candidates

XXV. Discussion and Possible Action Regarding Uniform Standards and Template for Reports and Evaluations Submitted to the Board Related to Disciplinary Matters

XXVI. 2016 Meeting Dates

XXVII. Public Comment for Items not on the Agenda

XXVIII. Suggestions for Future Agenda Items

XXIX. 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.*

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Board of Behavioral Sciences

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# Memo

| | | | |
|---|---|---|---|
| **To:** | Board Members | **Date:** | August 21, 2015 |
| **From:** | Christina Kitamura<br>Administrative Analyst | **Telephone:** | (916) 574-7835 |
| **Subject:** | **May 2015 Board Meeting Minutes** | | |

The May Board Meeting Minutes will be provided to the Board Members under separate cover prior to the meeting. Additional copies of the draft minutes will also be provided at the Board Meeting.

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# Memo

| | | | |
|---|---|---|---|
| **To:** | Board Members | **Date:** | August 21, 2015 |
| **From:** | Christina Kitamura<br>Administrative Analyst | **Telephone:** | (916) 574-7835 |
| **Subject:** | **Budget Report** | | |

The Budget Report will be provided to the Board Members under separate cover prior to the meeting. The additional copies of the report will also be provided at the Board Meeting.

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***Board Statistics***

Attached for your review are the quarterly performance statistics for the fourth fiscal quarter of 2014/2015. Processing times are still unavailable at this time. In lieu of licensing processing times, the processing date as of August 17, 2015 is provided. The processing dates represent the date the application was received by the Board that the licensing staff is currently evaluating.

***Licensing Program***

With the exception of the LCSW examination applications, application volumes increased in the fourth quarter. The increase in registrant volumes is primarily due to graduation.

**Application Volumes**

| Application type | 4th Quarter 4/1/15-6/30-15 | 3rd Quarter 1/1/15-3/31/15 | Difference |
|---|---|---|---|
| MFT Intern | 972 | 824 | 18% |
| MFT Examination | 738 | 466 | 58% |
| ASW | 1142 | 547 | 109% |
| LCSW Examination | 403 | 528 | -24% |
| LEP Examination | 35 | 15 | 133% |
| LPCC Intern | 172 | 108 | 59% |
| LPCC Examination | 53 | 25 | 112% |

Current processing dates as of August 17, 2015 are listed on the following page. The LMFT unit is evaluating applications within 41 days of receipt. The LCSW unit is evaluating applications within 31 days of receipt. All other applications types are evaluated within 25 days or less of receiving the application.

**Licensing Processing Dates**

| License type | Current Processing Dates (8/17/15) | Processing Date at May 2015 Board Meeting | Processing Date at February 2015 Board Meeting |
|---|---|---|---|
| MFT Intern | 7/28/2015 | 4/23/2015 | 2/5/2015 |
| MFT Examination | 7/20/2015 | 2/19/2015 | 11/15/2014 |
| ASW | 7/20/2015 | 4/24/2015 | 2/12/2015 |
| LCSW Examination | 6/21/2015 | 2/4/2015 | 11/5/2014 |
| LEP Examination | 7/5/2015 | 4/19/2015 | 2/18/2015 |
| LPPC Intern | 7/22/2015 | 4/17/2015 | 1/26/2015 |
| LPCC Examination | 7/31/2015 | 4/27/2015 | 1/21/2015 |

A total of 1,030 initial licenses were issued in the fourth quarter. As of August 2015, the Board has 102,821 licensees and registrants.

***Examination Program***

3,150 examinations were administered in the fourth quarter. Seven (7) examination development workshops were conducted April through June. The examination pass rates for fiscal year 2014/2015 are available on the Board's website at http://www.bbs.ca.gov/exams/exam_stats.shtml

***Administration Program***

The Board received 8,480 applications in the fourth quarter. The chart below reflects the total renewal activity for the fourth quarter

Renewal Activity

| | Number of Renewals | Percentage |
|---|---|---|
| DCA Processed | 9,236 | 66% |
| BBS Processed | 1,053 | 8% |
| Online Renewal | 3,273 | 27% |
| Total | 14,012 | |

***Enforcement Program***

The Enforcement staff received 229 consumer complaints and 250 criminal convictions in the fourth quarter. 446 cases were closed this quarter and 35cases were referred to the Attorney General's office for formal discipline. 26 Accusations and 3 Statement of Issues were filed this quarter. The current average for Formal Discipline is 719 days. The performance goal is 540 days.

The first Enforcement Subject Matter Expert Training was held on July 30, 2015. 30 Subject Matter Experts (SMEs) attended the day long training. Guest speakers from the Division of Investigation, the Office of the Attorney General, and current Enforcement SMEs provided information about the role of the SME and discussed best practices.

***Outreach Activity***

Recently the Board resumed its outreach activities in an effort to provide information regarding the recent and upcoming changes to Board programs. Board staff has either physically attended these events or participated via a phone conference.

***Outreach Events***

MFT Consortium Meetings throughout the state. Attendance at these events is primarily via phone conference.

- May 7, 2015
- May 15, 2015
- May 20, 2015
- May 29, 2015 (2 events- Northern and Southern California)
- June 12, 2015
- June 15, 2015
- July 15, 2015
- August 21, 2015

NASW Lobby Days, April 9, 2015
CAMFT Conference Burlingame, CA, May 14-17, 2015
MFT Intern Applicant Presentation, Sacramento, CA, June 19, 2015

***Upcoming Events***

NASW-CA Annual Conference, October 9, 2015, South San Francisco Center
CAMFT Fall Symposium, November 14-15, 2015 Orange County

***Additional Outreach Efforts***

The Board's summer 2015 newsletter has been released. The newsletter is available on the Board's website.

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# Board of Behavioral Sciences Quarterly Statistics Report As of June 30, 2015

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

**CASHIERING**

The Board's Cashiering Unit processes license renewals and applications. Approximately 85% of renewal processing occurs in the Department of Consumer Affairs Central Cashiering Unit.

| Renewals Processed In-House | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Processed | 552 | 1098 | 1101 | 1136 | 873 | 924 | 569 | 493 | 620 | 384 | 315 | 465 | 8530 |
| Received | * | * | * | * | * | * | 678 | 313 | 283 | 340 | 360 | 353 | 2327 |
| Process Time | * | * | * | * | * | * | * | * | * | * | * | * | * |

**Data Currently Unavailable*

| Renewals Processed By DCA Central Cashiering | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Processed | 2069 | 3647 | 2565 | 4175 | 2990 | 2688 | 2594 | 2280 | 2384 | 2939 | 2822 | 3475 | 34628 |
| Received | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Process Time | * | * | * | * | * | * | * | * | * | * | * | * | * |

**Data Currently Unavailable*

| Online Renewals | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | N/A | N/A | N/A | N/A | 298 | 478 | 579 | 760 | 1033 | 1043 | 1026 | 1204 | 6421 |

| Application Payments Processed In-House** | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Processed | 3227 | 2655 | 2532 | 2229 | 1628 | 1650 | 2321 | 1729 | 2181 | 2106 | 2203 | 2712 | 27173 |
| Received | * | * | * | * | * | * | 2124 | 1603 | 1700 | 2230 | 2003 | 3194 | 12854 |
| Process Time | * | * | * | * | * | * | * | * | * | * | * | * | * |

***These totals represent all other applications and do not include renewal applications*

**LICENSING**

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

| **Initial Licenses Issued** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LMFT | 122 | 112 | 151 | 194 | 196 | 313 | 332 | 140 | 233 | 230 | 144 | 248 | 2415 |
| LCSW | 119 | 108 | 118 | 117 | 152 | 157 | 90 | 72 | 131 | 132 | 87 | 136 | 1419 |
| LEP | 13 | 12 | 14 | 10 | 8 | 8 | 10 | 5 | 9 | 10 | 4 | 3 | 106 |
| PCE | 19 | 32 | 24 | 15 | 16 | 30 | 10 | 8 | 1 | 2 | 3 | 0 | 200 |
| LPCC | 55 | 56 | 55 | 44 | 27 | 18 | 17 | 6 | 11 | 15 | 5 | 11 | 320 |
| **LCSW Examination Eligibility Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 197 | 62 | 157 | 200 | 113 | 76 | 136 | 165 | 227 | 142 | 114 | 147 | 1736 |
| Approved | 170 | 104 | 117 | 210 | 323 | 160 | 192 | 167 | 196 | 184 | 221 | 229 | 2273 |
| Process Time | 153 | 148 | 157 | 155 | 141 | 122 | 93 | 79 | 74 | 66 | 62 | 51 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **LMFT Examination Eligibility Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 196 | 307 | 252 | 203 | 324 | 248 | 206 | 153 | 107 | 254 | 200 | 284 | 2268 |
| Approved | 245 | 368 | 407 | 414 | 327 | 333 | 257 | 265 | 268 | 264 | 301 | 248 | 2907 |
| Process Time | 173 | 148 | 133 | 110 | 100 | 89 | 78 | 71 | 56 | 58 | 51 | 48 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **LPCC Examination Eligibility Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 10 | 2 | 13 | 16 | 10 | 11 | 6 | 8 | 11 | 18 | 12 | 23 | 140 |
| Approved | 14 | 10 | 10 | 7 | 1 | 4 | 22 | 9 | 11 | 15 | 9 | 14 | 126 |
| Process Time | * | * | * | * | * | * | 23 | 0 | 1 | 3 | 8 | 12 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **LEP Examination Eligibility Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 17 | 7 | 6 | 12 | 7 | 10 | 3 | 9 | 3 | 12 | 7 | 13 | 106 |
| Approved | 24 | 16 | 10 | 14 | 10 | 8 | 10 | 7 | 5 | 9 | 9 | 6 | 128 |
| Process Time | 25 | 15 | 13 | 12 | 8 | 11 | 2 | 4 | 4 | 9 | 13 | 9 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |

| ASW Registration Applications | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Received | 842 | 195 | 436 | 363 | 220 | 252 | 192 | 175 | 180 | 164 | 249 | 729 | 3997 |
| Approved | 138 | 191 | 278 | 339 | 219 | 202 | 231 | 172 | 176 | 176 | 148 | 500 | 2770 |
| Process Time | 26 | 30 | 19 | 14 | 11 | 12 | 7 | 8 | 8 | 8 | 8 | 11 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **LMFT Intern Registration Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 419 | 563 | 420 | 468 | 321 | 174 | 286 | 300 | 238 | 197 | 261 | 514 | 4161 |
| Approved | 330 | 251 | 237 | 519 | 267 | 327 | 261 | 293 | 270 | 234 | 217 | 391 | 3597 |
| Process Time | 15 | 17 | 21 | 16 | 15 | 16 | 10 | 13 | 7 | 7 | 9 | 10 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **LPC Intern Registration Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 69 | 45 | 99 | 87 | 45 | 19 | 42 | 23 | 43 | 44 | 53 | 82 | 651 |
| Approved | 85 | 50 | 46 | 40 | 25 | 27 | 47 | 44 | 33 | 58 | 29 | 78 | 562 |
| Process Time | 32 | 39 | 44 | 47 | 45 | 56 | 52 | 21 | 13 | 14 | 14 | 15 | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | * | * | * | * | * | * |
| **PCE Applications** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Received | 23 | 35 | 35 | 17 | 20 | 39 | 0 | | | | | | 169 |
| Approved | 18 | 14 | 29 | 41 | 9 | 13 | 0 | | | | | | 124 |
| Process Time | 13 | 18 | 22 | 12 | 9 | 11 | 18 | | | | | | * |
| Process Time Less Def Lapse | * | * | * | * | * | * | * | | | | | | * |

**EXAMINATION**

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

| Examinations Administered | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LCSW Written | 162 | 154 | 146 | 182 | 321 | 139 | 149 | 178 | 230 | 190 | 226 | 258 | **2335** |
| LCSW CV | 134 | 141 | 139 | 150 | 307 | 107 | 99 | 129 | 156 | 123 | 156 | 158 | **1799** |
| LMFT Written | 229 | 262 | 288 | 363 | 407 | 610 | 193 | 275 | 337 | 365 | 362 | 426 | **4117** |
| LMFT CV | 153 | 166 | 202 | 237 | 247 | 602 | 102 | 210 | 245 | 253 | 247 | 329 | **2993** |
| LPCC GAP (LMFT) | 37 | 62 | 49 | 4 | 3 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | **158** |
| LPCC GAP (LCSW) | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| LPCC GP L&E | 5 | 3 | 4 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **15** |
| LPCC Traditional L&E | 6 | 8 | 4 | 5 | 5 | 2 | 6 | 4 | 11 | 8 | 14 | 11 | **84** |
| LEP | 13 | 18 | 12 | 14 | 12 | 10 | 9 | 6 | 11 | 16 | 5 | 14 | **140** |
| **Total Exams Administered** | **739** | **814** | **846** | **957** | **1302** | **1472** | **559** | **802** | **991** | **955** | **999** | **1196** | **11632** |
| **Examination Workshops** | **4** | **2** | **7** | **5** | **1** | **2** | **3** | **5** | **5** | **3** | **2** | **2** | **41** |

**ENFORCEMENT**

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

| **Complaints *(Complaint Intake*)*** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Received | 94 | 84 | 112 | 90 | 92 | 67 | 81 | 76 | 86 | 87 | 44 | 98 | 1011 |
| Closed without Assignment for Investigation | 33 | 22 | 52 | * | * | * | * | * | * | * | * | * | 107 |
| Assigned for Investigation | 71 | 43 | 53 | 44 | 65 | 52 | 58 | 59 | 53 | 49 | 47 | 72 | 666 |
| Average Days to Close or Assigned for Investigation | 8 | 7 | 6 | 15 | 8 | 7 | 4 | 4 | 4 | 5 | 4 | 4 | 6 |
| Intake Pending | 0 | 3 | 3 | 4 | 3 | 5 | 4 | 3 | 1 | 7 | 0 | 8 | 8 |

| **Convictions/Arrest Reports** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Received | 70 | 106 | 122 | 99 | 79 | 109 | 81 | 90 | 80 | 90 | 56 | 104 | 1086 |
| Closed / Assigned for Investigation | 3 | 2 | 0 | * | * | * | * | * | * | * | * | * | 5 |
| Assigned for Investigation | 72 | 96 | 118 | 62 | 127 | 99 | 91 | 90 | 68 | 96 | 48 | 117 | 1084 |
| Average Days to Close | 4 | 4 | 5 | 7 | 8 | 5 | 4 | 2 | 2 | 3 | 4 | 5 | 4 |
| Intake Pending | 0 | 1 | 0 | 4 | 0 | 3 | 0 | 0 | 5 | 3 | 6 | 0 | 0 |

***INVESTIGATION****

| **Desk Investigation** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Assigned | 146 | 139 | 171 | 107 | 193 | 151 | 151 | 149 | 121 | 139 | 91 | 181 | 1739 |
| Closed | 175 | 161 | 200 | 163 | 108 | 128 | 181 | 198 | 142 | 153 | 123 | 156 | 1888 |
| Average Days to Close | 140 | 184 | 100 | 117 | 89 | 76 | 133 | 122 | 96 | 116 | 174 | 176 | 127 |
| Pending | 560 | 539 | 519 | 471 | 561 | 588 | 570 | 526 | 515 | 478 | 457 | 510 | 510 |
| **Field Investigation (Sworn)** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Assigned | 6 | 5 | 2 | 4 | 1 | 6 | 5 | 3 | 6 | 6 | 3 | 3 | 50 |
| Closed | 3 | 0 | 2 | 0 | 0 | 5 | 0 | 3 | 7 | 5 | 2 | 3 | 30 |
| Average Days to Close | 114 | 0 | 216 | 0 | 0 | 233 | 0 | 185 | 297 | 236 | 313 | 130 | 220 |
| Pending | 26 | 31 | 31 | 35 | 36 | 37 | 42 | 42 | 42 | 39 | 40 | 40 | 40 |

| All Investigations | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| First Assignments | 147 | 140 | 180 | 117 | 198 | 155 | 159 | 155 | 131 | 164 | 106 | 217 | 1869 |
| Closed | 168 | 147 | 203 | 154 | 108 | 127 | 167 | 194 | 139 | 154 | 127 | 165 | 1853 |
| Average Days to Close | 139 | 144 | 91 | 117 | 92 | 86 | 125 | 124 | 100 | 123 | 176 | 178 | 158 |
| Pending | 539 | 525 | 499 | 454 | 543 | 568 | 555 | 511 | 501 | 516 | 491 | 543 | 543 |

| *Enforcement Actions* | Jul 14 | Aug 14 | Sept 14 | Oct 14 | Nov 14 | Dec 14 | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | Jun 15 | YTD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AG Cases Initiated | 16 | 5 | 13 | 14 | 18 | 14 | 13 | 5 | 12 | 13 | 9 | 13 | 145 |
| AG Cases Pending | 117 | 115 | 114 | 113 | 124 | 125 | 132 | 126 | 126 | 138 | 140 | 136 | 136 |
| SOIs Filed | 5 | 3 | 2 | 5 | 6 | 1 | 2 | 2 | 7 | 0 | 2 | 1 | 36 |
| Accusations Filed | 13 | 6 | 4 | 2 | 4 | 7 | 6 | 5 | 12 | 11 | 10 | 5 | 85 |
| Proposed/Default Decisions Adopted | 3 | 3 | 1 | 3 | 0 | 8 | 0 | 2 | 1 | 1 | 0 | 3 | 25 |
| Stipulations Adopted | 6 | 4 | 11 | 3 | 1 | 2 | 0 | 3 | 2 | 9 | 3 | 9 | 53 |
| **Disciplinary Orders** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations) | 10 | 13 | 8 | 17 | 1 | 10 | 11 | 2 | 13 | 10 | 3 | 14 | 112 |
| Average Days to Complete*** | 616 | 747 | 561 | 383 | 351 | 632 | 410 | 587 | 531 | 747 | 588 | 731 | 719 |
| **Citations** | **Jul 14** | **Aug 14** | **Sept 14** | **Oct 14** | **Nov 14** | **Dec 14** | **Jan 15** | **Feb 15** | **Mar 15** | **Apr 15** | **May 15** | **Jun 15** | **YTD** |
| Final Citations | 4 | 5 | 1 | 0 | 1 | 1 | 0 | 0 | 5 | 1 | 4 | 2 | 17 |
| Average Days to Complete**** | 311 | 276 | 128 | 0 | 133 | 918 | 0 | 0 | 168 | 410 | 401 | 324 | 321 |

**Complaint Intake ***
Complaints Received by the Program.

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

**Disciplinary Orders Average Days to Complete *****
Measured by the date the complaint is received to the date the order became effective.

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

Board of Behavioral Sciences

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

# Memo

**To:** Board Members

**Date:** August 12, 2015

**From:** Laurie Williams
Human Resources Liaison

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

**Subject:** **Personnel Update**

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## New Employees

- *Staff Services Manager I (SSMI) (Full-time) – Consumer Complaint & Investigations Unit - Enforcement Program*
  Marlon McManus returns to the Board to serve as the SSMI over the Consumer Complaint & Investigations Unit of the Enforcement Program. Marlon returns to BBS after a brief departure to work as an Employment Development Department's Return to Work Coordinator. Prior to his departure, Marlon worked as a BBS Enforcement Analyst for over 7 years investigating consumer complaints. The Board is excited to have someone with his background and skills as our new manager.

- *Associate Governmental Program Analyst (AGPA) (Full-time) – Administration Unit*
  Charles Johnson promoted to an AGPA within the Administration Unit. Mr. Johnson will function as the Board's Performance Analyst and as the Acquisition Analyst. Mr. Johnson has been working for the Board for approximately three years in a loan capacity from the Department's Consumer Information Center (CIC). He was originally borrowed to perform the duties of a Licensed Professional Clinical Counselor (LPCC) evaluator. He also assisted as a back-up to the Board's IT Analyst and will continue this duty in his current position.

- *Office Technician (OT) (Full-time) – Licensing Unit*
  Carl Peralta transferred to the Board to fill an OT vacancy in the Licensing Unit. Mr. Peralta will function as the Licensed Educational Psychologists (LEP) Evaluator, Licensing Support Technician as well as the Licensing File Coordinator. In this position he has provided back-up to the registrant's desks by printing and mailing materials, which has contributed to the ability to maintain a current processing time during this very busy peak season. Prior to joining the Board, Mr. Peralta was borrowed from the Department's Consumer Information Center (CIC) working in a loan capacity for approximately one year. During his loan capacity, Carl had a tremendous impact in the reduction of licensing backlogs as he assisted the evaluators in preparing their licensee/registrant files. In addition, he rearranged the new file room in making it very organized.

- *Staff Services Analyst (SSA) (Full-time) – Licensing Unit*
  Lisa Cigelske will join the Board and will perform duties as a Licensing Statistical Analyst and Continuing Education (CE) Compliance Analyst in the Licensing Unit. Ms. Cigelski is transferring from the Department of Motor Vehicles, Licensing Operations. She comes to the Board with many years of analytical experience and a wealth of knowledge in utilizing Microsoft Excel. Her expertise in preparing statistical reports will be beneficial to the Board in preparing and tracking statistical data from the BreEZe database.

**Promotions**

Lupe Baltazar, Licensing Evaluator for the LMFT unit, was promoted to a Staff Services Analyst in the Criminal Conviction & Probation Unit of the Enforcement Program. Ms. Baltazar started with the Board in August 2013 as the Fingerprint Technician in the Enforcement Unit. She also worked as the LEP evaluator in the Licensing Unit.

**Departures**

Gina Bayless, Enforcement Manager of the Consumer Complaint & Investigations, departed on June 30, 2015. Ms. Bayless accepted a promotion as a Chief of the Enforcement Program with the Board of Vocational Nursing and Psychiatric Technicians.

**Vacancies**

Board staff has initiated the recruitment process for the positions noted below:

- *Management Services Technician (MST) – Licensing (fill behind G. Baltazar)* - The Request for Position Action (RPA) has been submitted to the Office of Human Resources for review and approval. This position functions as an LMFT evaluator.

- *Management Services Technician (MST) – Licensing (new vacancy)* - The Request for Position Action (RPA) will be submitted next week to the Office of Human Resources for review and approval. The Board submitted a Budget Change Proposal (BCP) for Fiscal Year 2015/16 and received approval to fill this MST position as a 2-year Limited-Term to assist with the Exam Restructure in the Exam Unit.

- *Office Technician (OT) – Cashiering (new vacancy)* - The Request for Position Action (RPA) will be submitted next week to the Office of Human Resources for review and approval. The Board submitted a Budget Change Proposal (BCP) for Fiscal Year 2015/16 and received approval to fill this OT position as a 2-year Limited-Term to assist in the Cashiering Unit. This position was created for the anticipated influx of the new population of examination candidates from the examination restructure and to assist with the additional cashiering duties the BreEZe database processes has created.

Board of Behavioral Sciences

# Memo

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www.bbs.ca.gov

**To:** Board Members

**Date:** August 18, 2015

**From:** Steve Sodergren
Assistant Executive Officer

**Telephone:** (916) 574-7847

**Subject:** **Strategic Plan Update**

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Management and staff continue to address the strategic goals and objectives. Attached for your review is the Strategic Plan update for August 2015.

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| **Licensing**<br>***Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **1.1**<br>Identify and implement improvements to the licensing process to decrease application processing times. | **Q1 2015** | Application processing times are now less than the parameters set forth in Regulation. |
| **1.2**<br>Complete the processing of Licensed Professional Clinical Counselor grandfathered licensing application. | **Q1 2014** | Completed October 1, 2013 |
| **1.3**<br>Review the current eligibility process for Licensed Marriage and Family Therapists and Licensed Professional Clinical Counselors to identify and reduce barriers and implement process improvements. | **Q4 2018** | The Board is continuing to monitor the "Buckets" legislation authored by Senator Marty Block. |
| **1.4**<br>Explore development of uniform clinical supervision standards to ensure consistent supervision of registrants and trainees. | **Q4 2015** | On June 26, 2015 the seventh supervision committee meeting was conducted. The committee continues to discuss supervision requirements. |
| **1.5**<br>Investigate the use of technology for record keeping and therapeutic services and its effects on patient safety and confidentiality and establish best practices for licensees. | **Q4 2016** | |
| **1.6**<br>Determine feasibility of license portability and pursue legislation if needed. | **Q3 2020** | Licensed portability will be improved with the acceptance of the national licensing exam, which will occur in 2016 with exam restructure for LCSW's. Legislations signed by the Governor in September |

| | | |
|---|---|---|
| | | 2014 will modify the out-of-state requirements for LMFTs and LPCCs with an effective date of 1/1/16. |
| **1.7**<br>Establish ongoing process to evaluate requirements for all license types to promote parity between licensing programs as appropriate. | **Q4 2016** | Staff effort continues. The “bucket” legislation introduced this year would make supervised experience requirements more uniform. The Supervision Committee is considering changes to supervisor qualifications and is working toward parity where appropriate. |
| **1.8**<br>Evaluate the feasibility of online application submission through the Breeze system and implement if possible. | **Q2 2016** | The Board has made the renewal application available through the online Breeze system and is currently testing address change application functionality in Breeze. |

| **Examinations**<br>***Administer fair, valid, comprehensive, and relevant licensing examinations.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **2.1**<br>Implement recommendations made by the Exam Program Review Committee to restructure the examination process and promulgate regulations as necessary. | **Q1 2016** | Board staff members are currently working on implementation. |
| **2.2**<br>Establish a recruitment process for Subject Matter Experts to ensure a diverse pool on which to draw for examination development. | **Q2 2016** | Completed Spring 2015 |
| **2.3**<br>Create a process for evaluating the performance of Subject Matter Experts assisting with exam development. | **Q4 2015** | |

| **Enforcement**<br>***Protect the health and safety of consumers through the enforcement of laws and regulations.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **3.1**<br>Establish a recruitment process for Subject Matter Experts to ensure a diverse pool on which to draw for case evaluations. | **Q4 2014** | Completed Spring 2015 |
| **3.2**<br>Develop a training program, including uniform standards for reports and evaluations, for all enforcement Subject Matter Experts. | **Q1 2015** | Staff conducted an all-day training session on July 30, 2015. |
| **3.3**<br>Improve internal process to regularly consult with the Attorney General's office to advance pending disciplinary cases. | **Q4 2014** | Staff effort continues. |
| **3.4**<br>Establish uniform standards and templates for reports and evaluations submitted to the Board related to disciplinary matters. | **Q2 2015** | This item will be discussed at the August 2015 meeting. |
| **3.5**<br>Create a process for evaluating the performance of Subject Matter Experts assisting on enforcement cases. | **Q2 2015** | Completed May 2015. |
| **3.6**<br>Identify and implement improvements to the investigation process to decrease enforcement processing times. | **Q1 2015** | Staff effort continues. |

| **Legislation and Regulation**<br>***Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **4.1**<br>Adopt regulations to incorporate Uniform Standards for Substance Abusing Licensees to align with other healing arts boards. | **Q2 2015** | OAL approved this regulation package, which will become effective October 1, 2015. |
| **4.2**<br>Modify regulations to shift oversight of continuing education providers to Approval Agencies. | **Q4 2014** | Completed January 1, 2015 |
| **4.3**<br>Pursue legislation to implement the recommendations of the Out of State Education Review Committee to ensure parity with California educational requirements. | **Q4 2014** | Signed by the Governor in September 2014. The new out-of-state requirements become effective 1/1/16. |
| **4.4**<br>Pursue legislation to resolve the conflict in law that prohibits the Board's access to information necessary for investigations regarding child custody reports. | **Q4 2014** | Signed by the Governor in September 2014. Became effective on 1/1/15. |
| **4.5**<br>Review regulatory parameters for exempt settings and modify, if necessary, to ensure adequate public protection. | **Q4 2017** | |

| **Organizational Effectiveness**<br>***Build an excellent organization through proper Board governance, effective leadership, and responsible management.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **5.1**<br>Pursue adequate staffing levels across all functional areas within the Board. | **Q3 2015** | Board continues to work on filling vacancies and assessing current staffing levels. |
| **5.2**<br>Evaluate internal procedures to identify areas for improvement to ensure prompt and efficient work processes. | **Q1 2016** | Staff effort continues. |
| **5.3**<br>Enhance Board employee recognition program to reward exceptional performance and service. | **Q4 2014** | Recognized all board staff at the February 2015 board meetings. Highlighted board staff that had 20 years or more of service with the Board. |
| **5.4**<br>Implement an internal training and education program for all Board staff to enhance skills and abilities for professional development. | **Q3 2015** | |
| **5.5**<br>Establish standing Board committees that align with the Board's strategic goal areas. | **Q4 2014** | Board will revisit this topic in 2016. |

| **Outreach and Education**<br>***Engage stakeholders through continuous communication about the practice and regulation of the professions.*** | **DUE DATE** | **STATUS** |
|---|---|---|
| **6.1**<br>Implement cost-effective ways to educate applicants and licensees on current requirements. | **Q1 2015** | Staff has attended 11 outreach events including; NASW Lobby Days and the CMAFT Conference. The Board will begin using Twitter and Facebook in order to keep applicants and licensees updated on new requirements. |
| **6.2**<br>Enhance the Board's outreach program by redesigning publications and the Board's website, leveraging new technologies and exploring the use of social media. | **Q3 2015** | A Winter and Summer newsletter has been published and distributed. Staff are revising the web content; Exam News, Contact Page, Out-of-State Requirements. Staff has established a Twitter and Facebook account and will begin using these tools in September. |
| **6.3**<br>Partner with the Office of Statewide Planning Health and Development and other external stakeholder groups to encourage more diversity within the mental health professions. | **Q4 2019** | Staff effort continues. |

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Board of Behavioral Sciences

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# Memo

**To:** Board Members

**Date:** August 17, 2015

**From:** Christy Berger
Regulatory Analyst

**Telephone:** (916) 574-7817

**Subject:** **Supervision Committee Update**

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The Supervision Committee held its seventh meeting on June 26, 2015 in Sacramento. The purpose of this memo is to provide an update on the topics discussed and decisions made by the Committee.

**Formal Decision on Supervised Experience Hours**

Senate Bill 620 would streamline LMFT and LPCC hours of experience ("buckets") to require a minimum of 1,750 hours of direct counseling, and a maximum of 1,250 hours of non-clinical experience. The bill allows for a 5-year transition period to ensure that no applicant is adversely affected by the changes.

Stakeholders had raised concern that SB 620 removes the limit on experience hours gained via telehealth (current law limits to 375 hours). The committee decided not to pursue a language change, as stipulating a limit was felt to be arbitrary at this time. It was noted that more research and monitoring of telehealth experience would be beneficial in order to identify future issues that may indicate a need for such a limit.

**Update on Supervisor and Supervisee Survey Results**

Staff provided an update on the supervisor and supervisee survey results, as the survey was kept open until May 31, 2015 so that more responses could be collected. While the number of responses increased since the prior report, staff did not recognize any major changes to the overall statistical information.

**Informal Decisions**

The following informal decisions may change or evolve as the Committee works through various issues. Upon completion of the Committee's work, formal decisions will be presented to the Board for consideration, and will require the passage of legislation and/or regulations in order to implement.

**Supervisor Qualifications**

- Increase the initial training of LMFT and LPCC supervisors to 15 hours for consistency with the current requirements for LCSW supervisors.
- Require 6 hours of ongoing training every two years for LCSW, consistent with current LMFT and LPCC requirements. The committee is exploring the possibility of using a competency-based model for these hours rather than specifying particular training content.
- Accept an advanced supervisor certification in lieu of the requirement that supervisors be licensed for two years before supervising.
- Require supervisors to self-certify to the Board that they meet all qualifications to supervise prior to the commencement of supervision. This would enhance adherence to requirements and allow the Board to target communications with individuals currently supervising.
- Require the supervisor to provide the supervisee with a signed disclosure that includes information about how to submit a complaint about a supervisor.
- Require the Board to perform random audits of supervisor qualifications. Currently, staff can only audit retrospectively as hours are turned in with the licensing application.
- Time licensed in another state should be able to count towards 2 years of licensure for all supervisor/license types.
- The requirement that a supervisor practice psychotherapy (or supervise individuals who practice psychotherapy) for 2 out of the past 5 years should not be changed. However, language requiring competency in the areas of clinical practice and techniques being supervised should be added.

**Other Informal Decisions**

- Allow Triadic supervision in place of Individual supervision.
- Offsite supervision laws should be consistent across license types.
- Offsite supervision laws should encompass offsite supervisors who are employed or contracted by the employer (as opposed to only addressing volunteers).

**Remaining Areas to Address**

The remaining areas that the committee needs to address are as follows:

- Supervision Requirements including supervision definitions, amount and type of weekly supervisor contact, supervision formats, monitoring/evaluating the supervisee, etc.
- Supervisor Responsibilities including the Supervisor Responsibility Statement
- Employment/Employers including registrant/trainee employment, supervisor employment, offsite supervision, temp agency employers, etc.

**Future Meeting Dates**

October 23, 2015 Sacramento

Board of Behavioral Sciences

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# Memo

**To:** Board Members

**Date:** August 17, 2015

**From:** Steve Sodergren
Assistant Executive Officer

**Telephone:** (916) 574-7847

**Subject:** **Exam Restructure Update**

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The Board's examination restructure will become effective on January 1, 2016. To prepare for this transition Board staff has been revising current forms, developing new business process and working closely with the DCA's Breeze team and Office of Professional Examination Services (OPES) to identify and implement system changes.

## EXAM BLACKOUT PERIOD

Currently examination eligibility data is transmitted test vendors electronically. The current system configuration for identifying and transmitting this data for LMFT and LCSW exam applicants will be completely altered due to the restructure. To minimize any complication that this change could have on an applicant's record the Board is implementing a blackout period during the month of December 2015. During this period LMFTs and LCSWs will be unable to schedule or test. The blackout period will allow the Board to validate applicant data and verify it has been transmitted and received by the various vendors. This will help to ensure that testing candidates will be able to resume scheduling and testing on January 1, 2016.

## OUTREACH

To better inform applicants and registrants as to how the exam restructure will affect them, staff has been developing informational materials and videos. As materials are developed they will be posted to the Board's website on the Examination News page. During the beginning of August the Examination News page was revised and now includes links more information about the exam restructure (See Attachments). Licensing staff is also distributing informational inserts to newly eligible interns and exam candidates.

Christy Berger has been coordinating with DCA to develop three informational videos. The first of these videos is expected to be posted in September.

## BREEZE SYSTEM CHANGES

Board staff and the DCA Breeze have been working the last few months to finalize the system design materials that document new system requirements needed in the Breeze system. The design materials were submitted to the vendor in July and subsequently in July they provided the Board and DCA an impact analysis. The impact analysis identifies the possible costs and effort needed to accomplish the necessary system changes. It was noted that these changes would not be able to be completed by January 1, 2016.

While this delay is unfortunate, it will not affect the implementation of the exam restructure. The Board continues to work with the Breeze team, DCA's Office of Professional Examination Services (OPES) and the Association of Social Work Boards (ASWB) in order to identify and coordinate the manual processing of exam eligibilities. Staff is working on developing and implementing business processes that will ensure a minimal impact to applicants.

## Attachments

Attachment A: Blackout Period Letter
Attachment B: Registrant Page
Attachment C: LMFT Test Candidate Page
Attachment D: LCSW Test Candidate Page
Attachment E: FAQs for Registrants
Attachment F: FAQs for Non-registrants

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**EXAMINATION BLACKOUT PERIOD IN DECEMBER FOR LICENSED MARRIAGE AND FAMILY THERAPIST AND LICENSED CLINICAL SOCIAL WORKER APPLICANTS**

Effective January 1, 2016 the Board's examination process will be restructured. In order to ensure a successful transition, the Board will be implementing an examination blackout period for Licensed Marriage and Family Therapist (LMFT) and Licensed Clinical Social Worker (LCSW) examinations to ensure the integrity of examination candidate data during the transition. The examination blackout period will be from **December 1, 2015 to December 31, 2015**.

**IMPORTANT BLACKOUT PERIOD INFORMATION**

- During the examination blackout period the Board will continue to accept applications for licensure eligibility and examinations, but applicants will not be able to register for or take an examination during the blackout.
- The Board will work with candidates who have eligibility to ensure that they are not adversely affected.
- This blackout period does not affect LPCC and LEP applicants.

**IMPORTANT BLACKOUT PERIOD INFORMATION FOR LMFT APPLICANTS**

- If you are currently eligible to take the Standard Written Exam or the Clinical Vignette Exam you may schedule and take the exam before November 30, 2015. After November 30, 2015 you will not be able to schedule your exam.
- Starting on January 1, 2016 you will be able to schedule and take your exam. If you were eligible to take the Standard Written Exam, you will schedule and take the California Law & Ethics Exam. If you were eligible to take the Clinical Vignette Exam, you will schedule for and take the Clinical Written Exam.

**IMPORTANT BLACKOUT PERIOD INFO FOR LCSW APPLICANTS**

- If you are currently eligible to take the Standard Written Exam or the Clinical Vignette Exam you may schedule and take the exam before November 30, 2015. After November 30, 2015 you will not be able to schedule your exam.
- Starting on January 1, 2016 you will be able to schedule and take your exam. If you were eligible to take the Standards Written Exam, you will schedule and take the California Law & Ethics Exam. If you were eligible to take the Clinical Vignette Exam, you will schedule for and take the Association of Social Work Boards (ASWB) National Clinical Exam.

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## EXAM RESTRUCTURE INFORMATION FOR REGISTRANTS

The following information is meant to help clarify how the new exam restructure requirements will affect the way in which you will renew your MFTI, ASW or PCI registration. You can find additional information at Exam Restructure for Registrants.

### DOES YOUR REGISTRATION EXPIRE ON OR BEFORE JUNE 30, 2016?

**For your 2016 renewal:** Registrants with an expiration date prior to July 1, 2016 are not required to take the California Law & Ethics exam in order to renew as long as you submit your fee and renewal form before June 30, 2016. All others must have taken the exam in order to renew.

**For your 2017 renewal**:

- If you were required to take the exam for your 2016 renewal and did not pass, you will have to take a 12-hour Law & Ethics course in order to retake the exam for your 2017 renewal. You will need to submit documentation of the Law & Ethics course when submitting your retake form.
- You must have taken the California Law & Ethics exam in order to renew. If you have already passed the exam, simply submit your fee and renewal form.

**For your 2018 renewal:**

- If you did not pass the California Law & Ethics exam you must take a 12-hour Law & Ethics course in order to retake the exam for your 2018 renewal. You will need to submit documentation of the Law & Ethics course when submitting your retake form.
- You must have taken the California Law & Ethics exam in order to renew. If you have already passed the exam, simply submit your fee and renewal form.

### DOES YOUR REGISTRATION EXPIRE AFTER JUNE 30, 2016?

**For your 2016 renewal:** You will have to take the California Law & Ethics exam in order to renew.

**For your 2017 renewal:**

- If you did not pass the California Law & Ethics exam, you must take a 12-hour Law & Ethics course in order to retake the exam for your 2017 renewal. You will need to submit documentation of the Law & Ethics course when submitting your retake form.
- You will have to take the California Law & Ethics exam during the last renewal period in order to renew. If you have already passed the exam, simply submit your fee and renewal form.

**ARE YOU A MFT INTERN OR ASW WHO IS CURRENTLY IN THE EXAM CYCLE AND HAVE NOT PASSED THE STANDARD WRITTEN?**

Even though you are in the exam cycle you will have to follow the procedures listed above for registration renewal. If you have already passed the Standard Written you do not need to take an exam in order to renew.

**ARE YOU A PCC INTERN WHO IS CURRENTLY IN THE EXAM CYCLE AND HAVE NOT PASSED THE LAW AND ETHICS EXAM?**

Even though you are in the exam cycle you will have to follow the procedures listed above for registration renewal. If you have already passed the Law and Ethics Exam, you do not need to take an exam in order to renew.

**DO YOU HAVE TO APPLY FOR A SUBSEQUENT REGISTRATION NUMBER ON OR BEFORE DECEMBER 31, 2016?**

- If you submit the fee and application between January 1, 2016 and December 31, 2016, you will be granted a second or third number, upon meeting all requirements, without having passed the California Law & Ethics exam.
- For your 2018 renewal you must have a passing score on the California Law & Ethics exam in order to renew.

**DO YOU HAVE TO APPLY FOR A SUBSEQUENT RESGISTRATION NUMBER AFTER JANUARY 1, 2017?**

You must have a passing score on the California Law & Ethics exam to be granted a subsequent registration number.

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# INFORMATION FOR LICENSED MARRIAGE AND FAMILY THERAPIST EXAM CANDIDATES

**BLACKOUT PERIOD**
**(DECEMBER 1 –DECEMBER 31. 2015)**

In order to ensure a successful exam restructure transition, the Board will be implementing an examination blackout period for Licensed Marriage and Family Therapist (LMFT) examinations to ensure the integrity of examination candidate data during the transition. The examination blackout period will be from **December 1, 2015 to December 31, 2015**. The Board will work with candidates who have eligibility to ensure that they are not adversely affected.

If you are currently eligible to take the Standard Written Exam or the Clinical Vignette Exam you may schedule and take the exam before November 30, 2015. After November 30, 2015 you will not be able to schedule your exam.

On January 1, 2016 you will be able to schedule your exam. If you were eligible to take the Standard Written Exam, you will schedule and take the California Law & Ethics Exam. If you were eligible to take the Clinical Vignette Exam, you will schedule for and take the Clinical Exam.

## HOW WILL THE EXAMS CHANGE?

| CURRENT EXAMINATIONS FOR LMFT | NEW EXAMINATION FOR LMFT | |
|---|---|---|
| Standard Written Exam | California Law & Ethics Exam | 75 items/2 hours<br><br>90 day waiting period between exams |
| Clinical Vignette Exam | Clinical Exam | 200 items/4+ hours<br><br>120 day waiting period between exams |

## ARE YOU CURRENTLY ELIGIBLE FOR THE STANDARD WRITTEN EXAM?

- You will not have to submit an application to take the California Law & Ethics exam.
- To be able to participate in the Standard Written exam you must schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Standard Written Exam by November 30, 2015 you will be required to take the California Law & Ethics Exam before your eligibility expiration date.

- After January 1, 2016 you will be able to schedule with PSI for the California Law & Ethics Exam.
- There will be a waiting period for exam results for individuals who take the exam between January 1, 2016 and February 15, 2016.

**ARE YOU CURRENTLY ELIGIBLE FOR THE CLINICAL VIGNETTE EXAM?**

- You will not have to submit an application to take the new Clinical exam.
- To be able to participate in the Clinical Vignette examination you must schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Clinical Vignette Exam by November 30, 2015 you will be required to take the new Clinical Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with PSI for the new Clinical Exam.
- There will be a waiting period for exam results for individuals who take the exam between January 1, 2016 and February 15, 2016.

**ARE YOU CURRENTLY WAITING TO RETAKE THE STANDARD WRITTEN EXAM?**

- If you are eligible to retake the Standard Written Exam (have submitted your form and fee and have passed the 180 day waiting period) you must schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Standard Written Exam by November 30, 2015 you will be required to take the California Law & Ethics Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with PSI for the California Law & Ethics Exam.
- There will be a waiting period for exam results for individuals who take the exam between January 1, 2016 and February 15, 2016.

**ARE YOU CURRENTLY WAITING TO RETAKE THE CLINICAL VIGNETTE EXAM?**

- If you are eligible to retake the Clinical Vignette Written Exam (have submitted your form and fee and have passed the 180 day waiting period) you may schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Clinical Vignette Written Exam by November 30, 2015 you will be required to take the new Clinical Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with PSI for the Clinical Exam.
- There will be a waiting period for exam results for individuals who take the exam between January 1, 2016 and February 15, 2016.

**ARE YOU AWAITING APPROVAL OF YOUR APPLICATION FOR EXAMINATION ELIGIBILITY?**

If you have already submitted an application for examination eligibility, the exam you will take and your ability to schedule will depend on the timing of your application approval, as follows:

- If your application is approved prior to November 30, 2015: If PSI has slots available on or before November 30, 2015, you may schedule and take the Standard Written Exam. You can also wait to schedule and take the Law and Ethics exam after January 1, 2016.
- If your application is approved on or after December 1, 2015: You will be eligible to schedule and take the California Law & Ethics exam after January 1, 2016.

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# INFORMATION FOR LICENSED CLINICAL SOCIAL WORKER EXAM CANDIDATES

**BLACKOUT PERIOD**
**(DECEMBER 1 –DECEMBER 31. 2015)**

In order to ensure a successful Exam restructure transition, the Board will be implementing an Examination blackout period for Licensed Clinical Social Worker (LCSW) Examinations to ensure the integrity of Examination candidate data during the transition. The Examination blackout period will be from **December 1, 2015 to December 31, 2015**. The Board will work with candidates who have eligibility to ensure that they are not adversely affected.

If you are currently eligible to take the Standard Written Exam or the Clinical Vignette Exam you may schedule and take the Exam before November 30, 2015. After November 30, 2015 you will not be able to schedule your Exam.

On January 1, 2016 you will be able to schedule your Exam. If you were eligible to take the Standard Written Exam, you will schedule and take the California Law & Ethics Exam. If you were eligible to take the Clinical Vignette Exam, you will schedule and take the Association of Social Work Boards (ASWB) National Clinical Exam.

## HOW WILL THE EXAMS CHANGE?

| CURRENT EXAMINATIONS FOR LCSW | NEW EXAMINATION FOR LCSW | |
|---|---|---|
| Standard Written Exam | California Law & Ethics Exam | 75 items/2 hours<br><br>90 day waiting period between Exams |
| Clinical Vignette Exam | ASWB Clinical Exam | 150 items/4 hours<br><br>90 day waiting period between Exams |

## ARE YOU CURRENTLY ELIGIBLE FOR THE STANDARD WRITTEN EXAM?

- You will not have to submit an application to take the California Law & Ethics Exam.
- To be able to participate in the Standard Written Exam you must schedule with PSI and take the Examination before November 30, 2015. If you do not participate in the Standard Written Exam by November 30, 2015 you will be required to take the California Law & Ethics Exam before your eligibility expiration date.

- After January 1, 2016 you will be able to schedule with PSI for the California Law & Ethics Exam.
- There will be a waiting period for Exam results for individuals who take the Exam between January 1, 2016 and February 15, 2016.

**ARE YOU CURRENTLY ELIGIBLE FOR THE CLINICAL VIGNETTE EXAM?**

- You will not have to submit an application.
- To be able to participate in the Clinical Vignette Exam you must schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Clinical Vignette Exam by November 30, 2015 you will be required to take the ASWB Clinical Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with ASWB for the Clinical Exam.

**ARE YOU CURRENTLY WAITING TO RETAKE THE STANDARD WRITTEN EXAM?**

- If you are eligible to retake the Standard Written Exam (have submitted your form and fee and have passed the 180 day waiting period) you must schedule with PSI and take the examination before November 30, 2015. If you do not participate in the Standard Written Exam by November 30, 2015 you will be required to take the California Law & Ethics Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with PSI for the California Law & Ethics Exam.
- There will be a waiting period for exam results for individuals who take the exam between January 1, 2016 and February 15, 2016.

**ARE YOU CURRENTLY WAITING TO RETAKE THE CLINICAL VIGNETTE EXAM?**

- If you are eligible to retake the Clinical Vignette Written Exam (have submitted your form and fee and have passed the 180 day waiting period) you may schedule with PSI and take the Examination before November 30, 2015. If you do not participate in the Clinical Vignette Written Exam by November 30, 2015 you will be required to take the ASWB Clinical Exam before your eligibility expiration date.
- After January 1, 2016 you will be able to schedule with ASWB for the Clinical Exam. You will have to submit a form and fee directly to ASWB to schedule.

**ARE YOU AWAITING APPROVAL OF YOUR APPLICATION FOR EXAMINATION ELIGIBILITY?**

If you have already submitted an application for examination eligibility, the exam you will take and your ability to schedule will depend on the timing of your application approval, as follows:

- If your application is approved prior to November 30, 2015: If PSI has slots available on or before November 30, 2015, you may schedule and take the Standard Written Exam. You can also wait to schedule and take the California Law & Ethics Exam after January 1, 2016.
- If your application is approved on or after December 1, 2015: You will be eligible to schedule and take the California Law & Ethics Exam after January 1, 2016.

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# Exam Restructure FAQs for Registrants

**(ASWs, MFT Interns and PCC Interns ONLY)**

**Effective Date: January 1, 2016**

## OVERVIEW

Effective January 1, 2016, the Board's examination process for Licensed Clinical Social Worker (LCSW), Licensed Marriage and Family Therapist (LMFT), and Licensed Professional Clinical Counselor (LPCC) applicants will be changing as follows:

- **REGISTRANTS MUST TAKE A CALIFORNIA LAW AND ETHICS EXAM:**

  Those who hold an ASW, MFT Intern or PCC Intern registration will be required to take a California Law and Ethics Exam while a registrant. (The timing for those who do not hold a registration and have applied to take the exams will not change.)

- **PASSING SCORE REQUIRED FOR SUBSEQUENT REGISTRATIONS:**

  **Effective January 1, 2017:** Applicants will be unable to obtain a subsequent (2nd or 3rd) ASW or intern registration without first passing the Law and Ethics Exam.

  **Effective January 1, 2016:** Applicants will be able to obtain a subsequent registration number without passing the Law and Ethics exam. However, such applicants must **pass the exam prior to the first registration renewal**. The subsequent registration cannot be renewed until the exam has been passed.

- **NEW LCSW & LMFT EXAMS:**

  LCSW and LMFT applicants will be required to pass two new exams that replace the existing exams, as follows. Both are written, multiple choice exams. There are no changes to the LEP or LPCC exam types.

  - California Law and Ethics Exam. This exam is designed to assess an applicant's knowledge of and ability to apply legal and ethical standards relating to clinical practice. It will replace the Standard Written Exam.

  - Clinical Exam. This exam is designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the profession's scope of practice. It will replace the Clinical Vignette Exam.

**EXAM RESTRUCTURE FAQs**

# REGISTRANT QUESTIONS

**MFT INTERNS, PCC INTERNS AND ASWS**

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**EXAM RESTRUCTURE FAQs**

# REGISTRANT QUESTIONS

**MFT INTERNS, PCC INTERNS AND ASWS**

**THIS FAQ APPLIES TO REGISTRANTS ONLY**

**IF YOU HOLD OR ANTICIPATE NEEDING A SUBSEQUENT (2nd, 3rd etc.) REGISTRATION, SEE QUESTIONS #13, 14 and 15 FOR CRITICAL INFORMATION**

## 1. Who is considered a "registrant" under the exam restructure?

A registrant is defined as an ASW, MFT Intern or PCC Intern who holds a current or delinquent registration capable of being renewed. If you are not a registrant, see the *FAQs for Non-Registrants*.

## 2. Will all registrants be required to take an exam? When?

Yes, as described below:

A. **Individuals issued a new, first registration number after January 1, 2016:**
You will be required to take the California Law and Ethics Exam within the first year of registration.

B. **Individuals who currently hold a renewable registration (initial or subsequent):**
You will be required to take the California Law and Ethics Exam before your registration's first expiration date that occurs after January 1, 2016, EXCEPT during the grace period described in #4.

## 3. What happens if I don't take the Law and Ethics Exam before my registration's expiration date?

Unless your registration's expiration date falls within the grace period described below, you will NOT be permitted to renew your registration until you have taken the exam.

## 4. What is the grace period and who is eligible?

If you hold a renewable registration that expires no later than June 30, 2016, and your application for renewal is postmarked between January 1, 2016 and June 30, 2016, you may renew without first taking the Law and Ethics Exam. However, you must take the exam during the following renewal cycle in order to renew next time.

## 5. Do I need to take the exam in order to renew if my registration expires between January 1, 2016 and June 30, 2016?

It depends. If your application for renewal is postmarked no later than June 30, 2016, you do not need to take the exam in order to renew this time. However, if your application for renewal is postmarked after June 30, 2016, you must have taken the exam in order for your renewal to be processed. There are no exceptions.

### 6. Do I need to take the exam in order to renew a registration that expired before the exam restructure takes place? For example, my registration expired in 2014 and I may need to renew it after January 1, 2016.

If you meet ALL of the following requirements, you can renew without having taken the exam:

- Your registration must be renewable
- Your registration must have an expiration date that is no later than June 30, 2016 AND
- Your application for renewal must be postmarked no later than June 30, 2016

If you do not meet all three of the above requirements, you will be required to have taken the exam in order for your renewal to be processed. If your registration is not renewable, you will need to apply for a subsequent registration number.

### 7. What is a renewal cycle?

A renewal cycle is the one-year period that ends in the registration's expiration date.

### 8. What happens if I submit my renewal early and haven't yet taken the Law and Ethics Exam?

If you submit your registration renewal without having taken the exam during the renewal cycle immediately preceding the registration's expiration date, the Board will be unable to process your renewal.

### 9. What happens if I don't pass the Law and Ethics Exam?

You may retake the exam after at least 90 days have passed from the date you last took the exam. If you don't pass the exam prior to your registration's expiration date, you must complete a 12-hour course in California Law and Ethics before you will be allowed to retake the exam during the next renewal cycle.

### 10. Who can I take the 12-hour California Law and Ethics course from?

The course must be taken through a continuing education (CE) provider, a county, state or other governmental entity, or a college or university.

### 11. What happens if I'm required to take the 12-hour course but am unable to complete it before my registration expires?

You will be permitted to renew your registration (provided your registration is eligible for renewal). However, you will not be permitted to retake the Law and Ethics Exam until the Board receives proof of course completion. Remember, if you do not take the exam at least once during any one-year renewal cycle, you will not be permitted to renew your registration until the exam has been taken.

### 12. How many attempts will I have to pass the Law and Ethics Exam during a renewal cycle? What is the waiting period between exam attempts?

The exam can be retaken after a 90-day waiting period, which provides registrants with at least three (3) attempts to pass the exam during each renewal cycle. To obtain the maximum number of attempts, applicants must submit a re-exam form and fee in a timely manner.

### 13. What happens if I haven't passed the Law and Ethics Exam by my registration's 6-year time limit?

California law permits a registration to be renewed a maximum of five (5) times before being cancelled. Effective January 1, 2017, an individual cannot be granted a subsequent registration number unless he or she has passed the Law and Ethics Exam. There are no exceptions.

### 14. How does the exam restructure affect individuals who will need to apply for a subsequent (2nd, 3rd, etc.) registration number?

Effective January 1, 2017, an individual cannot be granted a subsequent registration number unless he or she has passed the Law and Ethics Exam. There are no exceptions. However, this requirement will be phased in starting January 1, 2016, as described on the following page:

| If you will need to obtain a subsequent Intern or ASW registration number, and… | |
|---|---|
| ***A. Your application for subsequent registration is postmarked prior to January 1, 2016*** ***(and is subsequently issued)*** | Your registration is treated the same as a first/initial registration in the exam restructure. You will be required to take the Law and Ethics Exam by your registration's first expiration date that occurs after January 1, 2016, (except during the grace period described in #4) in order to renew. |
| ***B. Your application for subsequent registration is postmarked between January 1, 2016 & January 1, 2017*** | You can be issued a subsequent registration without first passing the Law and Ethics Exam. **However, you must pass the exam before your subsequent registration's initial expiration date if you wish to renew**. You may continue to take the exam after your registration expires, and after passing, your registration can be renewed. |
| ***C. Your application for subsequent registration is postmarked after January 1, 2017*** | You will not be issued a subsequent registration until you have passed the Law and Ethics Exam. There are no exceptions. |

## 15. How does the exam restructure affect me if I already hold a subsequent (2nd, 3rd, etc.) registration number?

If you are issued a subsequent intern or associate registration number any time prior to January 1, 2016, and your subsequent registration is renewable, your registration is treated the same as a first/initial registration for purposes of the exam restructure.

This means you will be required to take the California Law and Ethics Exam by your registration's first expiration date that occurs after January 1, 2016, except during the grace period described in #4. Unless you meet the requirements of the grace period, you will not be permitted to renew your subsequent registration until you have taken the exam.

## 16. What happens once I pass the Law and Ethics Exam?

If you are still earning your hours of supervised experience, you will continue as a registrant until you have completed your hours. Once you have met all education and experience requirements, you will submit an *Application for Clinical Examination Eligibility.* Upon approval of your application, you will be required to take and pass either a California clinical or national clinical exam, as indicated below:

LMFT: California Clinical exam
LCSW: Association of Social Work Boards (ASWB) Clinical exam
LPCC: National Clinical Mental Health Counseling Exam (NCMHCE)

# REGISTRANT QUESTIONS

## MFT INTERNS, PCC INTERNS AND ASWS

### 17. What if I am an ASW or MFT Intern and have already been approved to take the Standard Written Exam?

The LCSW and LMFT Standard Written Exams will no longer be available as of January 1, 2016. If you do not pass the Standard Written Exam by that time, you will be required to take the new Law and Ethics Exam.

### 18. What if I am an ASW or MFT Intern and have passed the Standard Written Exam by January 1, 2016?

You will have fulfilled the new Law and Ethics Exam requirement unless your Standard Written Exam score is more than seven (7) years old.

### 19. What if I am a PCC Intern and have already passed the LPCC Law and Ethics Exam?

You will have already fulfilled the Law and Ethics Exam requirement.

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# Examination Restructure FAQs for Non-Registrants

***(Individuals who do NOT hold a registration as an ASW, MFT Intern or PCC Intern)***

## LCSW, LMFT & LPCC Programs

**Effective Date: January 1, 2016**

## OVERVIEW

Effective January 1, 2016, the Board's examinations for LCSW, LMFT, and LPCC applicants will be changing as follows:

**NEW LCSW & LMFT EXAMS:**

LCSW and LMFT applicants will be required to pass two new exams that replace the existing exams, as follows. Both are written, multiple choice exams. There are no changes to the LEP or LPCC exam types.

- California Law and Ethics Exam. This exam is designed to assess an applicant's knowledge of and ability to apply legal and ethical standards relating to clinical practice. It will replace the Standard Written Exam.
- Clinical Exam. This exam is designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the profession's scope of practice. It will replace the Clinical Vignette Exam.

THE FOLLOWING DOES NOT APPLY TO NON-REGISTRANTS AND IS PROVIDED FOR YOUR INFORMATION ONLY:

- **Registrants Must Take a California Law and Ethics Exam**
  Those who hold an ASW, MFT Intern or PCC Intern registration will be required to take a California Law and Ethics Exam while a registrant.

- **Passing Score Required for Subsequent Registrations**
  Effective January 1, 2017: Applicants will be unable to obtain a subsequent (2nd or 3rd) ASW or intern registration without first passing the Law and Ethics Exam.

  Effective January 1, 2016: Applicants will be able to obtain a subsequent registration number without passing the Law and Ethics exam. However, such applicants must **pass the exam prior to the first registration renewal**. The subsequent registration cannot be renewed until the exam has been passed.

If you anticipate needing to apply for a registration while you are in the examination process, see the *Exam Restructure FAQs for Registrants* for more information.

**EXAM RESTRUCTURE FAQs**

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## EXAM RESTRUCTURE FAQs

# EXAM CANDIDATES WHO DO NOT HOLD A REGISTRATION

**THIS FAQ DOES *NOT* APPLY TO INDIVIDUALS WHO HOLD A REGISTRATION AS AN ASW, MFT INTERN OR PCC INTERN**

### 1. Who is considered a "candidate" under the exam restructure?

A "candidate" is an individual who does NOT hold a current or delinquent renewable ASW, MFT Intern or PCC Intern registration, and whose *Application for Examination Eligibility* (licensure) has been approved. If you are a registrant, please see the *Exam Restructure FAQs for Registrants*.

### 2. What if I am a LCSW or LMFT candidate who has already been approved to take the Standard Written Exam?

The LCSW and LMFT Standard Written exams will no longer be available as of January 1, 2016. If you do not pass the exam before that time, you will be required to take the new Law and Ethics Exam.

### 3. What happens if I pass the Standard Written Exam by January 1, 2016?

If you have already passed the LCSW or LMFT Standard Written, then you will have fulfilled the new Law and Ethics Exam requirement, unless your Standard Written Exam score is more than seven (7) years old.

### 4. Are the LPCC or LEP exams changing?

No. The LPCC program will continue to require a California Law and Ethics exam and the National Clinical Mental Health Counseling Exam. The LEP program will continue to require the LEP Written Exam.

### 5. What if a candidate has already passed the LPCC California Law and Ethics Exam?

A candidate who has already passed this exam will have fulfilled the new Law and Ethics Exam requirement.

### 6. What happens if a candidate does not pass the Law and Ethics Exam?

You may retake the exam after at least 90 days have passed from the date you last took the exam.

## EXAM RESTRUCTURE FAQs

# EXAM CANDIDATES WHO DO NOT HOLD A REGISTRATION

### 7. Is there a required waiting period between retakes?

Yes, there is a 90-day waiting period.

### 8. Am I required to take a course on Law and Ethics if I don't pass the exam?

No. This requirement only pertains to registered ASWs, MFT Interns and PCC Interns.

### 9. Will candidates be required to take a second exam after passing the Law and Ethics Exam?

Yes, applicants will be required to take and pass either a California clinical or national clinical exam, as defined below:

LMFT: California Clinical Exam
LCSW: Association of Social Work Boards (ASWB) Clinical Exam
LPCC: National Clinical Mental Health Counseling Exam (NCMHCE)

### 10. I have already been approved to take the LCSW or LMFT Clinical Vignette Exam. What happens if I don't pass this exam by January 1, 2016?

The Clinical Vignette Exam will no longer be available as of January 1, 2016. If you do not pass the exam by that time, you will be required to take the new California Clinical or national clinical exam as indicated below:

LMFT: California Clinical exam
LCSW: Association of Social Work Boards (ASWB) Clinical exam

### 11. What happens if I passed the LMFT or LCSW Standard Written Exam more than seven (7) years ago and have yet to pass the Clinical Vignette Exam?

Once your passing score on the Standard Written Exam reaches seven (7) or more years old, you will be required to retake the Standard Written (if prior to January 1, 2016) or to take the new Law and Ethics Exam, in addition to the new California clinical or national clinical exam.

### 12. What happens if I pass the LMFT or LCSW Clinical Vignette Exam by January 1, 2016? Will I still have to take the new California Clinical or national clinical exam?

If you have passed the Clinical Vignette Exam, you are not required to take the new California Clinical or national clinical exam.

## EXAM RESTRUCTURE FAQs

# EXAM CANDIDATES WHO DO NOT HOLD A REGISTRATION

### 13. Why isn't California using a national MFT clinical exam?

The Board has been working with the national Association of Marital and Family Therapy Regulatory Boards (AMFTRB) regarding the viability of using its exam for LMFT licensure in California in the future. For updates on this and other Board activity, sign up for our email Subscriber's list.

### 14. How are the new LMFT and LCSW Clinical exams different from the Clinical Vignette exams?

The clinical vignette exams and the new clinical exams are both designed to be directly related to clinical practice situations. Both types of exams require the ability to integrate and apply professional knowledge and skills.

A clinical vignette exam contains a series of multiple choice items related to a single vignette, and typically consists of 5 to 7 vignettes with 4 to 7 multiple-choice questions associated with each vignette, for a total of 30 multiple-choice questions administered over a 2-hour period. A clinical vignette exam item is longer and can be more complex than a standard multiple choice item.

The new clinical exams will consist of standard multiple choice items, and will continue to include items based on vignettes, though each item will stand alone.

As of January 1, 2016, the new clinical exams will be as follows:

LCSW APPLICANTS

*ASWB National Clinical Exam* - this is a 150-item multiple choice exam administered over a period of four hours.

LMFT APPLICANTS

*California Clinical Exam* - This exam is currently in development, and will be designed to evaluate candidate knowledge, skills, and abilities in the following content areas:

Crisis Management, Clinical Evaluation, Treatment Planning, Treatment, and Law and Ethics

These are the same content areas upon which the Clinical Vignette Exam is currently based. The Clinical exam will consist of 150 multiple-choice items administered over a four-hour period.

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# Memo

| | | | |
|---|---|---|---|
| **To:** | Board Members | **Date:** | August 21, 2015 |
| **From:** | Christina Kitamura<br>Administrative Analyst | **Telephone:** | (916) 574-7835 |
| **Subject:** | **Sunset Review Report** | | |

The Sunset Review Report will be provided to the Board Members under separate cover prior to the meeting. Additional copies of the report will also be provided at the Board Meeting.

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# Memo

**To:** Board Members **Date:** August 18, 2015

**From:** Kim Madsen
Administrative Analyst **Telephone:** (916) 574-7830

**Subject:** **Agenda Item XIX a i: Complaint Disclosure Policy and Public Disclosure of License Verification**

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Agenda item XIX a ii regarding Public Disclosure of License Verification has been merged with item XIX a i Complaint Disclosure Policy, and will be discussed as item XIX a i.

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# Memo

**To:** Board Members **Date:** August 12, 2015

**From:** Kim Madsen, Executive Officer **Telephone:** (916) 574-7841

**Subject:** **Complaint Disclosure Policy #E-06-2**
**Public Disclosure of License Verification #E-06-01**

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Background

During the May 18, 2006 Board meeting, Board Members were informed that Executive Order S-03-06 required all state agencies to take a number of actions related to agency compliance with the California Public Records Act (PRA). The action required of each agency was to review and revise as necessary, written guidelines for accessibility of public records. A review of current Board policies noted two policies required revisions – Policy #E-06-01 and #E-06-02.

Board Members and the public discussed the proposed revisions and some amendments to both policies. Specifically, the policies did not mention the inclusion of reporting settlements and arbitrations. Yet, the Board is required to disclose this information upon request. Some of the suggested amendments included revisions to the language for clarity. Following the discussion, the Board Members voted to accept the amendments to Policy #E-06-01 and Policy #E-06-02.

Discussion

The California Public Records Act (PRA), Government Code section 6250 *et seq.,* requires public records be available upon request. The PRA provides for specific timelines and general process to respond to a request for public records. Further, Government Code section 6254 specifies which records are not subject to public disclosure. In accordance with the Government Code section
6250 *et seq,* DCA developed guidelines in 2006 for Boards and Bureaus to follow upon receipt of a public record request.

As a state regulatory board within DCA, the Board is subject to the requirements for all public record requests. The Board's response is coordinated with its DCA legal counsel.

Business and Professions Code section 27 specifies what information, such as enforcement actions and a licensee's address of record, must be available through the Internet (aka Board

website). Since 2006, revisions to both of these code sections have been enacted, with the last revisions occurring in 2014. These revisions include the contents of Policy # E-06-01 and #E-06-02.

Finally, Business and Professions Code 4990.09 specifies how long a citation and fine issued for $1500 or more shall be published on the Internet (aka Board website). A citation and fine of less than $1500 may not be published on the Internet.

At the time these policies were adopted, some of the code sections related to PRAs and license disclosure were not specific. So it was prudent for Boards and Bureaus to adopt policy guidelines as to what specific information would be available to the public. Now, the Board's policies for complaint disclosure and public disclosure of license verification are now incorporated into the Business and Professions Code and the Government Code.

At the August 7, 2015 Policy and Advocacy Committee meeting, the Committee recommended rescinding both policies.

Recommendation

Conduct an open discussion regarding Policy #E-06-01 and #E-06-02 since both policies are now redundant. If appropriate, vote to rescind both policies.

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| SUBJECT: Complaint Disclosure Policy | POLICY # E-06-2 | DATE ADOPTED: 5/18/2006 |
|---|---|---|
| | SUPERSEDES: E-01-2<br>SUPERSEDES: E-03-2 | PAGE: 1 OF 1 |
| DISTRIBUTE TO: All Staff /Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:** Upon a request from the public, The Board of Behavioral Sciences (Board) releases complaint information in the form of an accusation once an accusation is prepared and filed by the Attorney General's Office, with certain exceptions. Following are exceptions to this policy, where complaint information is disclosed in lieu of or prior to the filing of an accusation.

1. A citation, fine, and/or order of abatement may be disclosed after the issuance of a citation. (Under Sections 125.9 and 148 of the Business and Professions Code and Section 1886 et. seq. Title 16 of the California Code of Regulations), the Board may issue citations, fines, and orders of abatement in lieu of an accusation.

2. An interim suspension order (ISO) may be disclosed upon filing of the ISO.

3. An action taken by the Board pursuant to Penal Code Section 23 may be disclosed, upon the Board's appearance or filing. (Under Section 23 of the Penal Code, the Board may intervene in a criminal case to obtain a court order to suspend or restrict practice of marriage and family therapy, licensed educational psychology, or licensed clinical social work in advance of the filing of an accusation.)

Accusations and ISOs are allegations of wrongdoing for which there has not been a final determination. These actions and decisions resulting from these actions are matters of public record and will be disclosed.

**Implementation: Immediate**

**Attachment: None**

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| | | |
|---|---|---|
| SUBJECT: Public Disclosure of License Verification | POLICY # E-06-1 | DATE ADOPTED: 05/18/2006 |
| | SUPERSEDES: E-95-1<br>SUPERSEDES: E-01-1<br>SUPERSEDES: E-04-1<br>SUPERSEDES: E-04-2 | PAGE: 1 OF 2 |
| DISTRIBUTE TO: All Staff/Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:**
Upon request by a member of the public, the following information, if known, shall be disclosed:

1. Current status of a license, issuance and expiration date of a license, prior discipline, accusation filed, temporary restraining order or interim order of suspension issued or the resulting discipline.

2. Malpractice judgments of more than $30,000 reported to the Board on or after July 1, 1995.

3. Final determination of a citation and fine issued by the Board. This is not considered disciplinary action. Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure. (B&P Code Section 125.9(d)).

4. Malpractice settlements and arbitration awards in excess of $10,000 reported to the board.

A request by a member of the public includes access to the Board's Web site.

**Implementation:**

TO IMPLEMENT THE PUBLIC DISCLOSURE POLICY:

Effective immediately, the CAS (Consumer Affairs System) mainframe should be used for verifying the status of a license. This information is extracted nightly to the Board's Web site under its "Verify License" feature so that the public may access the information on the Board's Web site.

## INFORMATION AVAILABLE BY MAIL AND TELEPHONE

License Status and/or formal action: Staff are to use the CAS 624 License Verification screen to verify the current status of a license.

1. Name
2. Address of Record
3. Issued Date
4. Expiration Date
5. License Number
6. Current status (status codes)
7. School attended and year of graduation.

Do NOT provide the DOB (date of birth), social security number or other information. Should the caller request this information, staff should suggest that the request be submitted in writing and then we will obtain authorization to releas the requested information from the licensee. This procedure applies to telephone verification requests and does not apply when the Board is served with a subpoena.

If a Public Disclosure record is present on an individual's license a PF6 key will appear at the bottom of the 624 (License Verification) screen. Select the PF6 key and continue to hit enter until it brings you back to the 624 screen. This will paginate you through each public disclosure screen that is available for that license record. In addition, the Public Disclosure records are extracted from the CAS mainframe nightly and made available on the Board's Web site under the "license verification" feature so the public may access the information. The following disclaimers appear for each public disclosure category:

Administrative Disciplinary Actions Disclaimer:
"The information on Board disciplinary actions only goes as far back as 1980 following the final date of the action, such as the effective date of the discipline (e.g., revocation, probation, etc.) or the last day of probation. Our data does not include actions that were a result of action prior to this date."

* Note: If only status code 50 (Accusation filed) appears, also read the following:
"Although an Accusation has been filed, the subject has not had a hearing or been found to have violated any law or regulation."

Malpractice Judgment Disclaimer:
"A malpractice judgment is an award for damages and does not necessarily reflect that the care provided by the licensee is substandard. All such reported judgments are reviewed by the Board and action taken only when and if it is determined that a violation of the licensing laws and/or regulations has occurred. Judgments are subject to a possible appeal." The information provided includes judgments reported on or after July 1, 1995.

Administrative Citations Issued:
A citation and/or fine has been issued. This is not considered disciplinary action under California law but is an administrative action. Payment of the fine amount represents satisfactory resolution of the matter.

**Implementation Date: Immediate**
**Attachment: None**

Board of Behavioral Sciences

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# Memo

**To:** Board Members **Date:** August 12, 2015

**From:** Kim Madsen, Executive Officer **Telephone:** (916) 574-7841

**Subject: Advertising Psychotherapy/Psychotherapist Policy #E-95-2**

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**Background**

On or about November 17, 1995 the Board members at that time adopted Policy #E-95-2, Advertising Psychotherapy/Psychotherapist. It appears that this policy was adopted because of a concern regarding the use of the words "psychotherapy" and "psychotherapist" by Board licensees in advertisements.

The policy specified that use of these words "in itself" in an advertisement by a licensee was not a violation of law. The policy further specified that certain conditions must be met when using the words "psychotherapy" or "psychotherapist" in an advertisement. The intent of this policy appears to clarify the appropriate use of these words and in a manner that was not misleading. Further, the Board members expressed a commitment to providing factual information that would assist consumers in making informed decisions. Attached is a copy of Policy E-95-02 for your review.

On August 14, 2012, the Board gave notice of proposed changes to California Code of Regulations (CCR) section 1811. This regulation package proposed changes to clarify which abbreviations may be used in an advertisement and whether or not a licensee can use the term "psychotherapy" and "psychotherapist" when advertising. The proposal added a subsection "c" to CCR 1811 regarding the use of "psychotherapy" and "psychotherapist, which is listed below.

*Licensees may use the words "psychotherapy" or "psychotherapist" in an advertisement provided that all the applicable requirements of subsection (a) are met.*

CCR 1811 (a) specifies the type of abbreviations a licensee or registrant may use in advertisements.

On January 9, 2103, the Office of Administrative Law approved the proposed changes to CCR 1811. This regulation changed went into effect on April 1, 2013. A copy of CCR 1811 is provided for your reference.

At the August 7, 2015 Policy and Advocacy Committee Meeting, the Committee recommended rescinding this policy.

**Recommended Action**

Conduct an open discussion regarding Policy ##E-95-2 and if appropriate, vote to rescind the policy.

State of California Department of Consumer Affairs

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| SUBJECT: Advertising Psychotherapy/Psychotherapist | POLICY # E-95-2 | DATE ADOPTED: 11/17/95 |
|---|---|---|
| | SUPERSEDES:N/A | PAGE: 1 OF 1 |
| DISTRIBUTE TO: Board Members/ All Staff | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:**

Use of the words "psychotherapy" or "psychotherapist" in advertising by a licensee is not, in itself*, a violation of law, of regulation, nor is it, in itself, false or misleading advertising, **provided that all of the following conditions are met:**

1. the advertising indicates the full name of the licensee and the complete title of the license (licensed marriage, family and child counselor, licensed clinical social worker, -- in those words).

2. the person advertising is competent, by reason of his/her education, training, and/or experience, to perform the professional services advertised or to act in a manner or professional capacity advertised.

* The words "in itself" are of significance. Whether or not a particular advertisement is found to be false or misleading or in violation of any law or regulation depends upon an analysis of **all** of the facts and circumstances relating to the advertisement in question. Certainly, the usage of any and all words will be amongst the factors considered.

**Background:**

This policy is adopted by the California Board of Behavioral Science Examiners (BBSE) because of its firm belief that arbitrary limits or restrictions on the use of the specific words in advertising do not serve the interests of the consumers of mental health services, but tend to promote unhealthy "turf" battles between competing professions. BBSE's commitment is to the provision of factual information which will assist the consumer in making informed decisions with respect to the utilization of professional services.

This policy should not be construed, nor is it intended, to encourage any specific manner or form of advertising or the usage of any words. It is not intended to serve as a substitute for independent legal advise on the issue of permissible, i.e., lawful, advertising. Its purpose is simply and solely to clarify the

position of the BBSE with respect to the use of words “psychotherapist” or “psychotherapy” in advertisements by its licensees.

**Implementation:** Immediate

**Attachment**: None

## §1811. ADVERTISING

(a) All persons or referral services regulated by the board who advertise their services shall include all of the following information in any advertisement:

(1) The full name of the licensee, registrant, or registered referral service as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Marriage and Family Therapist Registered Intern or MFT Registered Intern. The abbreviation "MFTI" shall not be used in an advertisement unless the title "marriage and family therapist registered intern" appears in the advertisement.

(E) Registered Associate Clinical Social Worker or Registered Associate CSW.

(F) Registered MFT Referral Service.

(G) Licensed Professional Clinical Counselor or LPCC.

(H) Professional Clinical Counselor Registered Intern or PCC Registered Intern. The abbreviation "PCCI" shall not be used in an advertisement unless the title "professional clinical counselor registered intern" appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(c) Licensees may use the words "psychotherapy" or "psychotherapist" in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, "earned" shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, "acceptable abbreviation" means the abbreviation listed in subsection (a)(2) of this Section.

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# Memo

**To:** Board Members

**Date:** August 12, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject: Correspondence Degree Program L-98-02**

---

Background

A review of the May 7, 1998 Licensing Committee meeting minutes reveal that the committee discussed the issue of accepting correspondence degree program. Information presented at the meeting included the results of a survey that Board staff conducted.

Specifically, staff contacted other states to determine any other state accepted correspondence degree programs. The results from this survey revealed that most states do not accept this type of degree program. A clear policy decision had never been in place and staff requested direction on this issue.

The committee subsequently voted to not accept correspondence degrees. This action resulted in Board Policy #L-98-02.

Business and Professions Code sections 4980.36, 4980.37, 4989.20, 4996.2, 4999.32, and 4999.33 each specify the educational qualifications for licensure. Pursuant to these sections applicants must possess a qualifying degree from an educational institution that is accredited by a specific accrediting agency. Such as an institution accredited by the Western Association of Schools and Colleges (WASC) or Commission on Accreditation of the Council of Social Work Education.

At the August 7, 2015 Policy and Advocacy Committee meeting, the Committee recommended rescinding this policy.

Recommended Action

A correspondence degree program was likely a precursor to the online degree programs that are in place today. Currently, the law specifies the type of degree programs that the Board may accept to satisfy the requirements for licensure. Therefore, it appears that Policy #L-98-02 is no longer relevant. Staff recommends that the board members conduct an open discussion to consider rescinding this policy.

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| | | |
|---|---|---|
| SUBJECT:<br>**CORRESPONDENCE DEGREE PROGRAMS** | POLICY # L-98-02 | DATE ADOPTED: 5/8/98 |
| | SUPERSEDES: N/A | PAGE: 1 OF 1 |
| DISTRIBUTE TO: ALL STAFF | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

## Policy:

Correspondence based degree programs will not be accepted as meeting the educational requirements for licensure as a marriage, family, and child counselor, with the exception of the Governor's California Virtual University Matching Grant Program.

This does not indicate that some courses cannot be taken through distance learning. However, the entire degree program cannot be based on this concept.

## Background:

Board staff has received numerous inquiries as to whether or not a correspondence degree program is acceptable for licensure. As this issue is not currently addressed in law, a survey was conducted with the other 39 state licensing boards and the Commission on Accreditation for Marriage and Family Therapy Education asking if these agencies recognize correspondence degree programs. Upon compilation of the results, the matter was brought before the Board for consideration.

## Implementation:

Effective immediately.

## Attachment:

None.

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# Memo

**To:** Board Members

**Date:** August 12, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject:** **License Surrenders #E-96-1**

---

Background

During the February 5, 1998 Enforcement Committee meeting, the Board's License Surrender Policy #E-96-1 was discussed. The members noted this policy and the recommended language in the Board's Disciplinary Guidelines for voluntary surrender. Although no changes to the policy were proposed, Richard Leslie, Legal Counsel for CAMFT, stated that in the voluntary surrender decisions, there is mention of the ability for licensees to petition for reinstatement. Mr. Leslie believed that petitioning for reinstatement should not be an option. The current Executive Officer and DCA Legal Counsel agreed to look into this matter.

Discussion

Since 1996, the Board's Disciplinary Guidelines have been revised several times. The Board's Disciplinary Guidelines are incorporated by reference in California Code of Regulations section 1888. Accordingly, in order to propose any revision to these guidelines, the Board must initiate a rulemaking package, which is subject to public comment; review by DCA, the Business, Consumer Services, and Housing Agency, and the Office of Administrative Law.

A review of the Board's current Disciplinary Guidelines reveals that nearly all of the language in Policy #E-96-1 is reflected the Disciplinary Guidelines.

At the August 7, 2015 Policy and Advocacy Committee meeting, the Committee recommended rescinding this policy.

Recommendation

Conduct an open discussion regarding Policy #E-96-1 now that the policy is incorporated into the Board's Disciplinary Guidelines and, if appropriate, vote to rescind the policy.

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| | | |
|---|---|---|
| SUBJECT: License Surrenders | POLICY # E-96-1 | DATE ADOPTED: 04/26/96 |
| | SUPERSEDES: | PAGE: 1 OF 1 |
| DISTRIBUTE TO: Enforcement Staff/ Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:**
License surrenders should include, but not be limited to, cases where the hearing would be too long and costly for the Board, witness credibility is problematic, or where the licensee is retiring from the profession. License surrenders are not the preferential settlement in standard cases, but may be the most appropriate resolution in some.

License surrenders should be considered to be a disciplinary action and part of the respondent's license history with the Board. Once a surrender is adopted by the Board, the respondent may not petition for reinstatement of the surrendered license. Should the respondent at any time after the surrender ever reapply to the Board for licensure, all current requirements for licensure would need to be met, including but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all written and oral examinations required of new applicants. If the respondent should ever reapply for licensure or registration to the Board, all charges contained in the accusation would be deemed admitted for the purpose of any statement of issues or other proceeding seeking to deny such application or reapplication.

**Background:**
The Board recognizes that when considering license surrenders, they should focus their attention on the licensee's practice of mental health and the Board's responsibility to protect consumers. The consequences and scope of the license surrender should be considered and the terms of the license surrender should be set forth in writing. Admissions made in the surrender should be made solely for the purpose of resolving the charges pending in the accusation.

**Implementation:** Effective Immediately

**Attachment:** None

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**Standard Terms and Conditions of Probation**
**Specific Language for Standard Terms and Conditions of Probation**
(To be included in all Decisions)

## 27. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and if applicable wall certificate to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

# BOARD POLICIES AND GUIDELINES

## Recommended Language for License Surrenders

"Admission(s) made in the stipulation are made solely for the purpose of resolving the charges in the pending accusation, and may not be used in any other legal proceedings, actions or forms, except as provided in the stipulation.

The admissions made in this stipulation shall have no legal effect in whole or in part if the Board does not adopt the stipulation as its decision and order.

Contingency

This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board

of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his/her counsel. By signing the stipulation, Respondent understands and agrees that he/she may not withdraw his/her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

Respondent fully understands that when the Board adopts the license surrender of respondent's license, respondent will no longer be permitted to practice as a _____ in California. Respondent further understands that the license surrender of his or her license, upon adoption, shall be considered to be a disciplinary action and shall become a part of respondent 's license history with the Board.

The respondent further agrees that with the adoption by the Board of his or her license surrender, respondent may not petition the Board for reinstatement of the surrendered license.

Respondent may reapply to the Board for licensure three years from the date of surrender and must meet all current requirements for licensure including, but not limited, to filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

Respondent understands that should he or she ever reapply for licensure as a _____ or should he or she ever apply for any other registration or licensure issued by the Board, or by the Board of Psychology, all of the charges contained in Accusation No._____ shall be deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny such application or reapplication."

Board of Behavioral Sciences

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# Memo

**To:** Board Members **Date:** August 12, 2015

**From:** Kim Madsen
Executive Officer **Telephone:** (916) 574-7841

**Subject:** **Mail Ballots and Confidentiality of Executive Session Policy #B-02-1**

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Background

During the November 15, 2002 Board meeting, Board Members discussed the adoption of the Mail Ballots and Confidentiality of Executive Session Policy #B-02-1. The discussion focused on whether or not it was necessary to have this policy when there are several statutes and regulations that addresses mail ballots and confidentiality. Further, the members added that this issue could be addressed during Board Member training.

DCA Legal Counsel stated that although DCA provided New Board Member Orientation, the trainings may not be convenient for all individual and the new members may not be aware of all the confidentiality issues before they become a functioning board member. At the end of the discussion, the Board Members decided not to adopt this policy.

Instead the Board Members recommended including this information in the New Board Member Orientation Binder provided to all new members. The Board Members also recommended the information be included in the legal memorandum that is included with mail ballot votes.

Discussion

Board staff was unaware that Policy #B-02-1 was not adopted until this policy's history was researched. The policy reflected an adoption date and therefore, it was assumed the policy was adopted. The ability to determine a decision by mail ballot is addressed in Government Code section 11526. This code does not specify the number of votes needed to hold a case for discussion. Nor, do Board records reflect how the current number of "two" was determined.

The Bagley-Keene Open Meeting Act addresses the confidentiality of a closed session meeting.

The mail ballot process is included in the Board Member Procedure Manual.

At the August 7, 2015 Policy and Advocacy Committee Meeting, the Committee voted to remove this policy from the list of Board policies.

Recommendation

Staffs recommends that Board Members conduct an open discussion regarding Policy # B-02-1 and if appropriate, vote to remove this policy from the list of Board policies.

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| | | |
|---|---|---|
| SUBJECT: MAIL BALLOTS AND CONFIDENTIALITY OF EXECUTIVE SESSION | POLICY # B-02-1 | DATE ADOPTED: 11/15/02 |
| | SUPERSEDES: N/A | PAGE: 1 OF 1 |
| DISTRIBUTE TO: All Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy to state the utmost importance of confidentiality and independent decision-making within the mail ballot process.

## MAIL BALLOTS

Deliberation and decision making should be done independently and confidentially by each Board member.

Two votes are needed to "Hold for Discussion" at the next Executive Session. Board members will be notified of this result and will be provided with the necessary materials before the next meeting.

If a Board member has a procedural question not specific to evidence, they are to contact DCA staff counsel.

## CONFIDENTIALITY OF EXECUTIVE SESSION

Under California law, the deliberation of Boards in Executive Session is privileged and members must keep Executive Session deliberations and information confidential.

Implementation: Immediately

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Board of Behavioral Sciences

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# Memo

**To:** Board Members

**Date:** August 11, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject:** **Record Retention Policy**

---

Background

Business and Professions Code section 800 requires the Board to maintain a central file for individuals who hold a license, certificate, or similar authority from the Board. The Board is required to maintain the file to provide an individual historical record. Further, the State Administrative Manual section 1611 requires each agency to establish a records retention program consistent state and agency statutory requirements.

The State Records Management Act (Government Code sections 14740-14774) requires the Director of the Department of General Services (DGS) to "establish and administer…a records management program which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records." To this end, the Director of DGS assigned the task to develop and coordinate a statewide records management program to the DGS Procurement Division's California Records and Information Management (CalRIM) Program.

CalRIM established the overall record management policy and published the *Records Retention Handbook* to provide guidance to state agencies in establishing their record retention program. Yet, each agency must manage its own records program and is required to review its retention schedule every five (5) years.

The handbook does not specify the length of time to maintain a record. Rather, the handbook suggests considering specific criteria when considering how long to keep a record. For example, laws, regulations, or policies. Other considerations include administrative uses, legal and fiscal requirements, historical and research value, vital/essential record requirements. Below are questions agencies should consider in determining how long to keep a record.

- How serious would it be if we were unable to put our hands on a particular record five to ten years from now?
- What are the chances of it being needed?

- Are the consequences serious enough to justify our keeping large volumes of records for a long period of time at considerable cost to the State?
- Is the same information available elsewhere?
- What would it cost to reconstruct the record if it were lost?

Board Policy #E-00-1

A review of the May 18, 2000 Consumer Committee meeting minutes revealed that the Board had an existing retention schedule, however, the schedule did not include a retention period for citation and fines. The Committee determined that citation and fines would be kept for a period of one year in the office and ten years in SRC.

On January 12, 2001 Board Policy #E-00-1, Record Retention Schedule for Enforcement Related Files, was adopted. This policy specifies the number of years the Board will retain Enforcement related material in the Board office, at the State Records Center (SRC), and provides for confidential destruction of these materials following the retention period. A copy of this policy is included for your review.

It should be noted that the retention period for citation and fines is a total of 5 years and not the 11 years agreed to by the Committee members. Unfortunately, staff research did not reveal any minutes or records for this change. However, on or about January 2007, six years after the adoption of Policy #E-00-1, Business and Professions Code section 4990.9 was revised to state in part that the Board may publish on the Internet the final determination of a citation and fine of $1500 dollars or less for a period of time in excess of five years from the date of the citation.

The Board's current record retention was approved in 2014 and the retention schedule for enforcement related material complies with Policy #E-00-1.

Discussion

Board staff recommends that the Committee members review the current retention period (1.5 years) for complaints and investigations that are closed without merit. These are typically cases that are non-jurisdictional, the source of the complaint did not respond to the Board's request for additional information, or the investigation did not reveal a violation of law. Retaining these types of cases for 1.5 years may be excessive.

If the Board receives additional information to support the allegations in the closed complaint, typically, the source of the complaint will submit this information soon after the complaint is closed; not months later. Further, if the complaint was re-opened it would be necessary to obtain updated documents such as the patient release for information from the source of the complaint. A patient release for information is only valid until the completion of the investigation.

Considering the type of cases closed without merit, retaining the information for 6 months in the Board office and then destroying the case confidentially may be more appropriate.

The remainder of the Board's current Enforcement Related Files retention schedule appears appropriate. However, the reference to Government Code section 14750 is now incorrect and should be updated. The proposed change is noted in blue text.

At the August 7, 2015 Policy and Advocacy Committee Meeting, the Committee members recommended revising this policy to reflect a shorter retention period for all cases closed either as non-jurisdictional or unactionable and keeping the retention schedule the same for all other cases closed without merit. Attached is Policy #E-15-1 which reflects the suggested revisions.

Recommendation

Conduct an open discussion regarding the revisions to Policy #E-00-1, which are reflected in Policy #E-15-1 and, if appropriate, vote to adopt Policy #E-15-1

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State of California Department of Consumer Affairs

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| SUBJECT: Record Retention Schedule for Enforcement Related Files | POLICY # E-00-1 | DATE ADOPTED: January 12, 2001 |
|---|---|---|
| | SUPERSEDES: N/A | PAGE: 1 of 1 |
| DISTRIBUTE TO: All BBS Board Members and Enforcement Staff | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:** Listed below is the record retention schedule for archiving closed enforcement files:

| CATEGORY ITEM | OFFICE | SRC | CONFIDENTIAL DESTRUCT |
|---|---|---|---|
| 1. Complaint/Investigations – Without Merit | 6 mos. | 1 yr. | Yes |
| 2. Complaint/Investigations – With Merit | 6 mos. | 4 yrs.[1] | Yes |
| 3.* Closed Disciplinary Files | | | |
| a. Revocations, or cases closed without prob. | 1 yr. | 20 yrs. | Yes |
| b. Disciplinary files that result in probation will be retained in office until probation is completed. | | | |
| 4. Closed Probation Files | 1 yr. | 20 yrs. | Yes |
| 5.* Closed Petitioners (Reinstatement) | 1 yr. | 20 yrs. | Yes |
| 6.* Closed Criminal Cases | 1 yr. | 20 yrs. | Yes |
| 7. Closed Citations & Fines | 1 yr. | 4 yrs. | Yes |

* Retain copies of final findings (accusations, decisions, etc.) in the office binders before the file is sent to State Records Center.

**Background:** The Board establishes this record retention schedule for enforcement related files to comply with Government Code section ~~14750~~ 14740-14774, which requires each state agency to establish and maintain an active, continuing program for the economical and efficient management of the records and information practices of the agency.

**Implementation:** Effective Immediately

**Attachment:** None

[1] Reference Business and Professions Code Section 800(a), (b).

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Board of Behavioral Sciences

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www.bbs.ca.gov

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

| | | |
|---|---|---|
| SUBJECT: Record Retention Schedule for Enforcement Related Files | POLICY # E-15-1 | DATE ADOPTED:<br><br>*INSERT AFTER POLICY ADOPTED* |
| | SUPERSEDES: #E-00-1 | PAGE: 1 of 1 |
| DISTRIBUTE TO: All BBS Board Members and Enforcement Staff | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**POLICY:** Listed below is the record retention schedule for archiving closed enforcement files:

| Item | Office Retention | State Record Center | Confidential Destruction |
|---|---|---|---|
| **Closed Cases**<br>Non Jurisdictional<br>Unactionable | 6 months | No | Yes |
| **Closed Cases without Merit** | 6 months | 1 year | Yes |
| **Closed Cases with Merit** | 6 months | 4 years[1] | Yes |
| ***Closed Disciplinary Files**<br>(Revocations or cases closed without probation) Probation Files will remain in the office until probation is completed | 1 year | 20 years | Yes |
| **Closed Probation Files** | 1 year | 20 years | Yes |
| ***Closed Petitioner Files (Reinstatement Requests)** | 1 year | 20 years | Yes |
| **Closed Criminal Conviction Cases** | 1 year | 20 years | Yes |
| **Closed Citation and Fines** | 1 year | 4 years | Yes |

* Retain copies of final findings (accusations, decisions, etc.) in the office binders before the file is sent to State Records Center

1 Business and Professions Code Section 800(a)(b)

**Background:**

The Board establishes this record retention schedule for enforcement related files to comply with Government Code section 14740-14774, which requires each state agency to establish and maintain an active, continuing program for the economical and efficient management of the records and information practices of the agency.

**Implementation:** Effective Immediately

**Attachment:** None

## RECORDS RETENTION SCHEDULE PROGRAM 1611

(Reviewed 6/2015)

Each agency must establish a Records Retention Schedule Program consistent with state and agency statutory requirements. The Records Retention Handbook (Handbook) implements statutory requirements and supplements information in SAM 1600. The Handbook covers specific procedures and areas necessary to ensure that all records produced, maintained, or disposed of by the agency are properly and timely acted upon.

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# Memo

**To:** Board Members **Date:** August 11, 2015

**From:** Kim Madsen
Executive Officer **Telephone:** (916) 574-7841

**Subject:** **Third Party Complaint Policy #E-98-01**

---

Background

During the February 5, 1998 Enforcement Committee meeting, the Executive Officer and the Committee discussed whether or not to adopt a policy regarding Third Party Complaints. At that time, these types of complaints were received regarding child custody cases. For various reasons, investigation of these complaints could not move forward. Following this discussion, the Committee agreed to recommend adoption of the proposed policy. The Policy was adopted February 6, 1998.

Discussion

Board enforcement staff currently follows Policy #E-98-01. In general Third Party complaints are challenging to investigate. Frequently, the allegations are such that a release of information is required from the patient in addition to first hand testimony. Board staff may or may not be successful in obtaining this release. Further, the patient may be reluctant to participate in the investigation and/or subsequent prosecution. In these situations where a release of information could not be obtained and/or the patient is not willing to participate, the case is closed.

There are cases in which the Board is able to investigate a Third Party complaint. In these cases, frequently the evidence to determine whether or not a violation occurred is available without involving the patient. In these cases, the Board proceeds with the investigation.

With respect to the concerns expressed in 1998 about child custody cases, through a legislative change, the Board now has access to child custody evaluation report for investigative purposes.

At the August 7, 2015 Policy and Advocacy Committee Meeting, Committee Members recommended updating the existing Third Party Complaint Policy. Attached is Policy #E-15-2 which reflects the revisions to Policy #E-98-1.

Recommendation

Conduct an open discussion regarding the revisions to Policy #E-98-1, which are reflected in Policy #E-15-2 and, if appropriate, vote to adopt Policy #E-15-2

State of California Department of Consumer Affairs

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WEBSITE ADDRESS: http://www.bbs.ca.gov

| | | |
|---|---|---|
| SUBJECT: Third Party Complaints | POLICY # ~~E-98-01~~ *#E-15-01* | DATE ADOPTED: ~~02/06/98~~ *Insert date update was adopted* |
| | SUPERSEDES: ~~N/A~~ *#E-98-01* | PAGE: 1 OF 2 |
| DISTRIBUTE TO: All Board/Staff Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

**Policy:**

In general, third party complaints will be pursued only when they involve an allegation that would warrant disciplinary action if substantiated **and** there is a reasonable likelihood that the necessary evidentiary standard can be met **without** the patient providing first hand testimony or authorizing the release of information from the therapist.

**BBS Evaluation Procedures**

Staff shall evaluate third party complaints in accordance with the above policy. Specifically, the following conditions and/or elements must exist for the case to be referred to investigation:

- The allegation(s) must be jurisdictional and "actionable," i.e., per the BBS Disciplinary Guidelines would warrant formal action against the licentiate if the allegation was sustained.

- There must be a reasonable likelihood that a case could be "made" and the necessary evidentiary standard met without the patient providing firsthand testimony or authorization to release information. If there is a technical question as to what would be needed to adequately meet the requisite evidentiary standard, staff may wish to consult with various parties involved in the enforcement process: i.e., the expert clinician, the appropriate DOI area administrator or the DAG liaison.

**Background:**

The majority of complaints received regarding therapists are firsthand complaints, i.e., they are from the patient or client. A smaller number of complaints are received from third party complainants, e.g., a relative of the client/patient, another therapist, a former employee, etc. Many of these third party complaints involve extremely serious allegations of misconduct.

Pursuing these third party complaints presents a unique challenge because of the confidentiality of the patient/therapist relationship. As stated in the Board of Behavioral Sciences (BBS) Consumer Complaint Information form:

"…Anyone may file a complaint and the Board will review each complaint regardless of the source."

The most effective complaints are those that contain firsthand, verifiable information…Third party complaints involving another adult, other than the complainant, may be impossible for the Board to

pursue, because each individual has the legal right to invoke confidentiality as to their personal records."

In the past, many third party complaints were automatically sent to the Division of Investigation (DOI) without regard to whether they could be successfully investigated and/or prosecuted without the patient providing first hand testimony or authorizing release of confidential information.

**Implementation:** Effective Immediately.

**Attachment:** None.

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| SUBJECT: Third Party Complaints | POLICY *#E-15-2* | DATE ADOPTED: *Insert date update was adopted* |
|---|---|---|
| | SUPERSEDES: *#E-98-01* | PAGE: 1 OF 2 |
| DISTRIBUTE TO: All Enforcement Staff Members | APPROVED BY: **BOARD OF BEHAVIORAL SCIENCES** | |

**Policy:**

In general, third party complaints will be pursued only when they involve an allegation that would warrant disciplinary action if substantiated **and** there is a reasonable likelihood that the necessary evidentiary standard can be met **without** the patient providing first hand testimony or authorizing the release of information from the therapist.

**BBS Evaluation Procedures**

Staff shall evaluate third party complaints in accordance with the above policy. Specifically, the following conditions and/or elements must exist for the case to be referred to investigation:

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- There must be a reasonable likelihood that a case could be "made" and the necessary evidentiary standard met without the patient providing firsthand testimony or authorization to release information. If there is a technical question as to what would be needed to adequately meet the requisite evidentiary standard, staff may wish to consult with various parties involved in the enforcement process: i.e., the expert clinician, the appropriate DOI area administrator or the DAG liaison.

**Background:**

The majority of complaints received regarding therapists are firsthand complaints, i.e., they are from the patient or client. A smaller number of complaints are received from third party complainants, e.g., a relative of the client/patient, another therapist, a former employee, etc. Many of these third party complaints involve extremely serious allegations of misconduct.

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In the past, many third party complaints were automatically sent to the Division of Investigation (DOI) without regard to whether they could be successfully investigated and/or prosecuted without the patient providing first hand testimony or authorizing release of confidential information.

**Implementation:** Effective Immediately.

**Attachment:** None.

Board of Behavioral Sciences

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# Memo

**To:** Committee Members

**Date:** July 23, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject:** **Succession of Officers Policy #B-05-1**

---

Background

During the November 19, 2004, the Board Members requested that a policy be drafted to address situations when the Board Chair is unable to serve for reasons including term expiration and absences. A review of Board Minutes during that time period indicates that the Board experienced delays in Board Member appointments. The current Board Chair was in the final months of service to the Board and was not reappointed. As a result, the Board was left without a Board Chair in the summer of 2004 and did not have a process or policy to address this situation.

The Succession of Officers Policy #B-05-01 was presented at the February 17, 2005 meeting to the Board for consideration and was adopted.

Discussion

In recent years, Board staff has actively contacted the Governor's Appointment Office and DCA to inform them of any upcoming Board Member vacancies. Through these efforts the Board has not experienced any situation that led to current policy. Additionally, at every May Board Meeting, prior to the election of officers, Board Members are provided with each member's expiration date of his/her term. Board Members are cautioned about potential consequences of electing a member whose term is nearly complete and has not been reappointed to the Board.

While the Board has not invoked the use of this policy in recent years, it seems reasonable to have a policy addressing the absence of the Board Chair. However, the policy should be updated to reflect minor changes since 2005 such as the Board address.

At the August 7, 2015 Policy and Advocacy Committee Meeting, the Committee recommended revising the Succession of Officers Policy to reflect the minor changes since 2005. Attached is Policy #B-15-3 which reflects the minor changes since 2005.

Recommendation

Conduct an open discussion regarding the revisions to Policy #B-05-1, which are reflected in Policy #B-15-3, and, if appropriate, vote to adopt Policy #B-15-3.

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TDD (916) ~~322-1700~~
Website Address: http://www.bbs.ca.gov

| SUBJECT: Succession of Officers | POLICY # B-05-1 | DATE ADOPTED: February 17, 2005 *Insert new date* |
|---|---|---|
| | SUPERSEDES: N/A | PAGE: 1 OF 1 |
| DISTRIBUTE TO: All Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy that clearly states the appropriate succession of officers.

**SUCCESSION OF OFFICERS:**

If for any reason the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Nominations to fill the position of Vice-Chairperson may be made and voted on at the next scheduled Board Meeting.

**BACKGROUND:** Business and Professions Code Section 4990.6 states “Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.” The law does not address a sudden or unexpected departure of the Chairperson and the Board requested a policy be in place to address the situation.

**IMPLEMENTATION:** Effective Immediately

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| SUBJECT:<br><br>Succession of Officers | POLICY # B-15-3 | DATE ADOPTED:<br>*Insert new date* |
|---|---|---|
| | SUPERSEDES: B-05-1 | PAGE: 1 OF 1 |
| DISTRIBUTE TO: All Board Members/Executive Officer | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy that clearly states the appropriate succession of officers.

**SUCCESSION OF OFFICERS:**

If for any reason the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Nominations to fill the position of Vice-Chairperson may be made and voted on at the next scheduled Board Meeting.

**BACKGROUND:** Business and Professions Code Section 4990 (g) states “Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.” The law does not address a sudden or unexpected departure of the Chairperson and the Board requested a policy be in place to address the situation.

**IMPLEMENTATION:** Effective Immediately

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Board of Behavioral Sciences

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# Memo

**To:** Board Members **Date:** August 11, 2015

**From:** Kim Madsen
Executive Officer **Telephone:** (916) 574-7841

**Subject: Board Member Attendance and Reimbursement Policy #B-98-1**

---

Background

During the 1997-1998 Sunset Review Boards were asked about their Board member attendance policies. At the January 16, 1998 Board meeting, the Board members were informed of this inquiry and were provided information regarding other Board's attendance policy to review. Following the Board member's review of other Board policies, Policy #B-98-1 was drafted. On or about May 8, 1998, Policy #B-98-1 was adopted.

This policy addresses the following topics.

- Expectation that all Board members should attend all board and committee meetings
- Defines the term "meeting";
- Procedure to follow if a Board member will be absent from a board meeting or committee meeting;
- Per Diem reimbursement;
- Expenses related to board and committee meetings and other approved board functions;
- Business expenses such as meals, costs of hotels, rental cars, official telephone calls, facsimiles, postage, emergency purchases, transportation;
- In-State reimbursement rates for mileage, meals, lodging, taxi service, rental cars;
- Reimbursement requests;
- Out-of-State travel; and
- Conference fees.

Discussion

Many of the topics in Policy #B-98-1 are specified under current law. Business and Professions Code section 103 sets forth the compensation for Board members (per diem). However, this code section does not specify the types of activities that are considered "official

duties". The State Administrative Manual (SAM) specifies travel reimbursement rates that are incorporated into the Department of Consumer Affairs Travel Guide.

The topics related to attendance are relevant. Although the expectation is that the Board member will attend all board and committee meetings, Board member attendance is not specified in law. Further, a summary of Board member attendance is provided in the each Sunset Review Report.
Since many of the topics related to travel are already addressed in the SAM and incorporated in the DCA Travel Guide it seems redundant to have a Board policy addressing these topics. The DCA Travel Guide is provided to all Board Members soon after their appointment to the Board. All revisions to travel, such as mileage reimbursement, are provided as the revisions occur.

Therefore, the committee may wish to consider revising Policy #B-98-1 to set forth a policy related only to Board Member attendance. Additionally, the committee may wish to consider adopting a new policy clarifying the "official duties" for which per diem may be claimed.

At the August 7, 2015, the Committee Members recommended revising Policy #B-98-1 to address only Board Member attendance and establishing a Per Diem Policy. Attached are the proposed revisions to Policy #B-98-1 and a draft Per Diem Policy #B-15-2 for your review.

Recommendation

Conduct an open discussion regarding the proposed revisions to Policy #B-98-1, which are reflected in Policy #B-15-1, and the draft Per Diem Policy #B-15-2 and if appropriate, vote to approve the policies.

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State of California
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Department of Consumer Affairs

| | | |
|---|---|---|
| SUBJECT: Board Member Attendance ~~and Reimbursement Policy~~ | POLICY # ~~B-98-1~~ B-15-1 | DATE ADOPTED: ~~5/8/98~~ Insert date adopted |
| | SUPERSEDES: ~~N/A~~ B-98-1 | PAGE: 1 OF 4 |
| DISTRIBUTE TO: All Board Members | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

~~The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness~~. Protection of the public is the highest priority for the Board of Behavioral Sciences (Board) in exercising its licensing, regulatory, and disciplinary functions. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. So that the Board can fulfill its consumer protection mandate and conduct the Board's business, consistent attendance at Board and Committee Meetings is critical.

~~It is the policy of the Board to adopt a conservative expense policy keeping in mind the Board of Behavioral Sciences is funded by license fees generated by licensed educational psychologist, licensed clinical social worker, and marriage, family, and child counselor licensees. The Board seeks to control costs and remain cognizant of the importance of limiting costs for all its endeavors.~~

**Attendance:**

1. All Board members should attend all required quarterly board meetings, and any special board meetings.

2. All Board members should attend all required committee meetings for each committee to which the Board member has been assigned.

~~a~~. 3. A "meeting" shall mean the entirety, from the date and time of the beginning of the meeting as set forth on the official agenda for said meeting, until the official adjournment of the meeting.

**Absences:**

If a Board member has been absent from more than two consecutive Board meetings, a letter will be sent to the appointing authority regarding the absences.

**~~Per Diem:~~**

~~Board members receive a per diem amount of one hundred ($100) dollars for every scheduled day of Board work. Normally per diem is paid in eight (8) hour increments and is authorized for the following activities:~~

~~1. Board Meetings~~

~~2. Committee Meetings~~

~~3. Sub-Committee Meetings~~

~~4. Attendance as an official representative of the Board (i.e. conferences).~~

~~5. Extensive work on enforcement cases such as reading lengthy transcripts.~~

~~Any other activity for which per diem is requested shall be approved by the Board and/or Executive Officer. Should there be concern about the appropriateness of claiming work for per diem, the issue shall be resolved by the Deputy Director of Board Relations for the Department of Consumer Affairs.~~

**~~Expenses:~~**

~~Expenses will be covered for Board members who attend Board meetings, Committee meetings, and other approved Board functions (i.e. conferences, hearings). In order to have expenses reimbursed, the Board member should attend the entire Board meeting as set forth in the agenda.~~

**~~Business Expenses:~~**

~~Board members may be reimbursed for meals, costs of hotels, rental cars, official telephone calls/facsimiles/postage, emergency purchases, transportation travel (airline, train, bus, taxi, shuttle), mileage, and approved conference fees. Other costs are the responsibility of the Board member. It is the responsibility of the Board member to keep necessary receipts and to submit them in a timely manner to the Board staff.~~

**~~In State Reimbursement Rates:~~**

~~Board members will be reimbursed for actual costs up to the maximum reimbursement for each meal, incidental, and lodging expense incurred while on travel status~~

| **~~Meals & Incidental~~** | **~~Reimbursement~~** |
|---|---|
| ~~Breakfast~~ | ~~Up to $6.00~~ |
| ~~Lunch~~ | ~~Up to $10.00~~ |
| ~~Dinner~~ | ~~Up to $18.00~~ |
| ~~Incidentals~~ | ~~Up to $6.00~~ |

| ~~Lodging~~ | ~~Reimbursement~~ |
|---|---|
| ~~Actual lodging costs with substantiating itemized receipt up to a maximum of…~~ | ~~$84.00 plus taxes on the entire cost of the lodging rate.~~ |

~~A Board member may not claim lodging when within 50 miles of their primary residence.~~

**~~Mileage:~~**

~~Mileage shall be reimbursed at the rate of 31 cents per mile. Board members may receive reimbursement for mileage costs incurred for the performance of a Board function.~~

**~~Taxi Service:~~**

~~Common sense should dictate the use of taxis for transportation. Normally, taxis should be used for trips within but not over a 10 mile radius or if the taxi is less expensive and more efficient than a rental car. Receipts are required for expenses~~

~~General Services charge cards are accepted for taxi services in Sacramento and Fresno only. Taxi expenses incurred in other areas are reimbursable. Receipts are required for expenses.~~

**~~Rental Cars:~~**

~~The Board encourages care and discretion in the use of rental cars. When an automobile is rented, the lowest rate possible should be obtained. No Board member may be reimbursed for the upgrade costs of renting an automobile that is full sized or luxury. A Board member may rent an automobile with a cost greater than that allowed, however, when this occurs, the Board member shall pay the difference in cost from the maximum state (California) rate allowed to the rate charged for the vehicle.~~

**~~Reimbursement Requests:~~**

~~All requests for reimbursement of expenses and per diem should be submitted to the Board staff within sixty (60) days. All such requests for reimbursement shall be accompanied by all necessary receipts and other supporting documentation.~~

**~~Out of State Travel:~~**

~~No out of state travel will be authorized except by prior approval of the Board. Requests for out of state travel must be submitted sufficiently in advance so that the Board, Departments, and Agency can approve or deny the request.~~

**~~Conference Fees:~~**

~~Conference fees will be reimbursed when the Board member is an official representative of the Board at the conference. All conference fees should be approved in advance. Occasionally the Board may pay the conference fees for a Board member in order to assist that member in obtaining expertise directly relevant to the functioning of the Board. In addition, the Board member shall provide written and oral summary of the conference as a means of training fellow Board members.~~

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**Implementation:** Immediate

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Board of Behavioral Sciences

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| | | |
|---|---|---|
| SUBJECT: Per Diem Policy | POLICY #B-15-2 | DATE ADOPTED: |
| | SUPERSEDES: N/A | PAGE: 1 |
| DISTRIBUTE TO: All Board Members/Executive Officer | APPROVED BY: | **BOARD OF BEHAVIORAL SCIENCES** |

The role and functions of a Board Member are vital to the ensure consumer protection. Each Board Member appointed to the Board of Behavioral Sciences will be compensated in accordance with Business and Professions Code section 103. This code section specifies that *" a Board Member will be compensated a per diem of $100 for each day of duty actually spent in the discharge of official duties"*. Per diem is paid in eight (8) hour increments.

This policy specifies the activities that are considered official duties for which a Board Member would be compensated pursuant to Business and Professions Code section 103.

**Per Diem Activities:**

1. Board Meetings
2. Committee Meetings
3. Reading all meeting materials in preparation for meetings.
4. Attendance as an official representative of the Board (i.e. conferences, hearings).
5. Reading disciplinary cases and hearing transcripts.
6. Days of travel to and from meetings.

Any other activity for which per diem is requested shall be approved by the Board and/or Executive Officer. Should there be concern about the appropriateness of claiming work for per diem, the issue shall be resolved by the Deputy Director of Board Relations for the Department of Consumer Affairs.

All Board member Per Diem requests should be submitted to the Board office each month on the Board Member Per Diem form, no later than the 15th of each month.

**Implementation:** Immediate

Board of Behavioral Sciences

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# Memo

**To:** Board Members

**Date:** August 10, 2015

**From:** Rosanne Helms
Legislative Analyst

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

**Subject: Proposed Telehealth Regulations**

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## Background

At its May 21, 2015 meeting, the Board approved regulatory language addressing standards of practice for telehealth.

The proposed regulations address the use of telehealth in the provision of psychotherapy and clarify questions, such as when a California license is needed, actions a licensee must take in order to protect the client in a telehealth setting, and that failure to follow telehealth requirements is considered unprofessional conduct. The proposed regulations are shown in **Attachment A.**

The proposal was filed with the Office of Administrative Law (OAL) and published in its California Regulatory Notice Register on July 10, 2015. The 45-day public comment period ended on August 24, 2015, and the public hearing was held on August 25, 2015.

## Proposed Regulatory Changes

During the public comment period, stakeholders suggested the Board make some amendments to the proposed language.

If the Board approves any of the proposed changes, the language will undergo a 15 day public comment period. Any comments received will be considered, and then the language will be re-submitted to OAL for final approval.

Suggested amendments were as follows:

1. **CAMFT Proposal: Amend Sub-Section 1815.5(c)(iv).**

   Sub-section 1815.5(c)(iv) requires a licensee or registrant, upon initiation of telehealth services, to “Provide the client with written procedures to follow in an emergency situation. This shall include contact information for emergency services near the client’s location.”

The California Association of Marriage and Family Therapists (CAMFT) wrote a letter to the Board and states its belief that this sub-section is unnecessary. CAMFT also believes that the language is unclear as to what constitutes an emergency. CAMFT argues that because there can be a wide variety of emergency situations depending on the circumstances of the client (for example, an emergency could be due to child abuse, domestic violence, suicidal patient, etc.), the language sets an unrealistic requirement upon providers.

CAMFT suggests that the language in Section 1815.5(c)(iv) be struck and replaced with the following:

1815.5(c)(iv) "*Make reasonable efforts to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area."*

CAMFT's letter to the Board is shown in **Attachment B.**

2. **Other Written Comments and Comments Received During August 25, 2015 Hearing.**

   **Attachment C** summarizes the written comments received during the public comment period.

   *This section is also a placeholder to discuss any other public comments that may be received at the August 25, 2015 regulatory hearing.*

## Recommendation

Conduct an open discussion about the comments. Direct staff to make any discussed changes, and any non-substantive changes, and to continue pursing this regulatory proposal by conducting a 15 day public comment period, and resubmitting the regulatory proposal to OAL.

## Attachments

**Attachment A:** Proposed Telehealth Regulations (as approved by the Board May 21, 2015)

**Attachment B:** CAMFT Letter

**Attachment C:** Table 1 - Summary of Comments

**ATTACHMENT A**
**PROPOSED TELEHEALTH REGULATIONS**
**BOARD APPROVED MAY 21, 2015**

**Title 16, Division 18, California Code of Regulations**
**ARTICLE 1. GENERAL PROVISIONS**

**ADD §1815.5. Standards of Practice for Telehealth**

(a) All persons engaging in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, as defined in Section 2290.5 of the Code, with a client who is physically located in this State must have a valid and current license or registration issued by the Board.

(b) All psychotherapy services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do. Therefore, all psychotherapy services offered via telehealth are subject to the board's statutes and regulations.

(c) Upon initiation of telehealth services, a licensee or registrant shall do the following:

i. Obtain informed consent from the client consistent with Section 2290.5 of the Code.

ii. Inform the client of the potential risks and limitations of receiving treatment via telehealth.

iii. Provide the client with his or her license or registration number and the type of license or registration.

iv. Provide the client with written procedures to follow in an emergency situation. This shall include contact information for emergency services near the client's location.

(d) Each time a licensee or registrant provides services via telehealth, he or she shall do the following:

i. Verbally obtain from the client and document the client's full name and address of present location, at the beginning of each telehealth session.

ii. Assess whether the client is appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.

iii. Utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium.

(e) A licensee or registrant of this state may provide telehealth services to clients located in another jurisdiction only if the California licensee or registrant meets the requirements to lawfully provide services in that jurisdiction, and delivery of services via telehealth is allowed by that jurisdiction.

(f) Failure to comply with these provisions shall be considered unprofessional conduct.

NOTE: Authority cited: Sections 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 2290.5, 4980, 4989.50, 4996, 4999.30, and 4999.82, Business and Professions Code.

CAMFT
CONNECT
ENRICH
ACHIEVE

California Association of Marriage and Family Therapists
7901 Raytheon Road, San Diego, CA 92111-1606
Phone: (858) 292-2638 | Fax: (858) 292-2666 | www.camft.org

Rosanne Helms
Board of Behavioral Sciences
1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834
Rosanne.Helms@dca.ca.gov

**RE: Title 16, Division 18**
**California Code of Regulations**
**Article 1. General Provisions**
**Proposed Regulation §1815.5. Standards of Practice for Telehealth**

Dear Ms. Helms:

On behalf of the 31,000 members of the California Association of Marriage and Family Therapists ("CAMFT"), we thank you for introducing proposed §1815.5 Standards of Practice for Telehealth. We also thank you for the continued ability to provide both formal and informal comment on this important issue. Below we review our continued concerns on sub-section (c)(iv):

Sub-section (c)(iv) requires providers of telehealth to: "Provide the client with written procedures to follow in an emergency situation. This shall include contact information for emergency services near the client's location."

We believe this section is unnecessary, as well as lacks clarity as required under Government Code §11349.1.

Written Procedures in Emergency Situation: CAMFT does not think this requirement is necessary. Providers do not routinely hand out emergency situation protocol to in-person clients--telehealth services do not necessarily change that necessity or requirement. In addition, this language is unclear as to what constitutes an "emergency situation" (i.e. Mental health emergency? Natural disaster? Physical health emergency?) Without clarity as to what exactly is meant by this requirement, it is difficult to assess whether it is clinically sound and/or feasible.

Emergency Services in Client's Location: While we agree that it would be helpful for a provider to be knowledgeable about resources in their client's geographic area, the requirement, as currently written, is unfeasible and unreasonable as well as unclear as to meaning. Providers often see a wide variety of patients ranging from children suffering from abuse, to victims of

domestic violence, to patients with schizophrenia, to patients with suicidal ideations. The contact information of "emergency services" that a provider would deliver for each one of these clients or groups would vary drastically and there is not necessarily a catch-all for these various clients. It is unclear if the regulation is requiring the provider to offer the local hospital information or specific "emergency services" contact information tailored to each and every client. If specific services, that is an unrealistic requirement upon providers.

What we recommend is the following amendment to sub-section (c)(1):

"~~Provide the client with written procedures to follow in an emergency situation. This shall include contact information for emergency services near the client's location.~~ *Shall make reasonable efforts to ascertain the contact information of relevant resources, including emergency services, in patient's geographic area."*

Gov. Code §11349.1 requires clarity in all regulations because the "...lack of clarity in many regulations put small businesses, which do not have the resources to hire experts to assist them, at a distinct disadvantage." (Gov. Code §11340.) This is especially true here, where a provider would be guilty of unprofessional conduct (§1815.5 (f)) if they do not follow the regulations as spelled out in this section. A provider cannot be expected to adhere to a regulation (and avoid unprofessional conduct) when the regulation's requirement itself lack clarity.

Thank you for your consideration of our thoughts on the proposed regulations regarding telehealth. If you have any questions about our thoughts, please do not hesitate to contact us.

Sincerely,

Catherine L. Atkins, J.D.
Deputy Executive Director

Jill Epstein, J.D.
Executive Director

**Table 1**
**Standards of Practice for Telehealth Regulations**
**Summary of Comments**

| Summary of Comment | Proposed Language | Section Affected | Commenter |
|---|---|---|---|
| Subsection 1815.5(c)(iv) requires telehealth providers to provide the client with written procedures to follow in an emergency, including contact information for emergency services near the client's location. CAMFT believes this lacks clarity. There are many types of emergency situations. Therapists see clients who potentially could have a wide variety of emergency situations, setting up an unrealistic requirement to provide information for all scenarios. | Amend the language in subsection 1815.5(c)(iv) to state that upon initiation of telehealth services, the licensee/registrant shall *"make reasonable efforts to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area."* | 16 CCR §1815.5(c)(iv) | CAMFT |
| There should be exceptions made when a client travels outside of the state temporarily or when moving there should be an temorary allowance until a new therapist is found. It seems unethical that if a client has a crisis while away, the therapist would have to tell the client they cannot provide assistance. | n/a | n/a | Stephanie Kelly, IMF 74132 |
| The proposed regulations do not address texting, which is done a lot with adolescent clients. Can this be incorporated? | n/a | n/a | Joanne Smith, IMF 69337 |
| The new telehealth regulations require a licensee performing telehealth in another state to comply with the licensing laws of that state. Does the Board provide resources to locate lists of states that recognize California licenses/registrations? | n/a | 16 CCR §1815.5(e) | Howard Acosta, ASW, MSW |
| CCHP applauds the Board for drafting language that closely mirrors the requirements licensees must meet should services be provided in-person. The Board appears to have struck the right balance of ensuring the safety of the patient, while allowing the provider flexibility to use technology for the cases they deem appropriate. | n/a | n/a | Mario Gutierrez, Executive Director, Center for Connected Health Policy |

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Board of Behavioral Sciences

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# Memo

**To:** Board Members **Date:** August 18, 2015

**From:** Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

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

## BOARD-SPONSORED LEGISLATION

Board staff is currently sponsoring the following legislative proposals:

1. **SB 531 (Bates) Board of Behavioral Sciences Enforcement Process**

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

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

   b) It clarifies 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 is to increase the efficiency of the enforcement process.

   This bill proposal was approved by the Board at its November 20, 2014 meeting.

   *Status: This bill is currently in the Senate for concurrence of amendments.*

2. **SB 620 (Block) Board of Behavioral Sciences: Licensure Requirements**

   This bill streamlines the experience requirements for LMFT and LPCC applicants. It eliminates 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 makes 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.

This bill proposal was approved by the Board at its November 20, 2014 meeting.

*Status: This bill is currently in the Senate for concurrence of amendments.*

3. **SB 800 (Senate Business, Professions, and Economic Development Committee) Healing Arts (Omnibus Bill)**

   This bill proposal, approved by the Board at its November 20, 2014 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

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

## BOARD-SUPPORTED LEGISLATION

**AB 250 (Olbernolte): Telehealth: Marriage and Family Therapist Interns and Trainees**
This bill would clarify that MFT interns and trainees may practice via telehealth.

At its May 21, 2015 meeting, the Board took a "support" position on this bill.

*Status: Signed by Governor; Chapter 50, Statutes of 2015.*

**AB 690 (Wood): Medi-Cal: Federally Qualified Health Centers: Rural Health Clinics**
This bill would allow Medi-Cal reimbursement for covered mental health services provided by a marriage and family therapist employed by a federally qualified health center or a rural health clinic.

At its May 21, 2015 meeting, the Board took a "support" position on this bill.

*Status: AB 690 is now a 2-year bill. The provisions of AB 690 were amended into another bill, AB 858, on May 28, 2015. AB 858 is currently in the Senate Appropriations' Suspense File.*

**AB 832 (Garcia): Child Abuse: Reportable Conduct**
This bill would specify that voluntary acts of sodomy, oral copulation, and sexual penetration are not considered acts of sexual assault that must be reported by a mandated reporter, unless it is between a person age 21 or older and a minor under age 16.

At its May 21, 2015 meeting, the Board took a "support if amended" position on this bill, and asked for an amendment to clarify that only non-abusive sexual conduct would not be reportable.

*Status: The Board's requested amendment was made, however this is a two-year bill.*

**AB 1001 (Maienschein): Child Abuse: Reporting**
This bill clarifies that it is illegal for anyone, including a supervisor, to impede or interfere with the making of a mandated report of suspected child abuse or neglect.

At its May 21, 2015 meeting, the Board took a “support” position on this bill.

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

**AB 1140 (Bonta): California Victim Compensation and Government Claims Board**
This bill contains language that clarifies 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.

At its June 12, 2015 meeting, the Board reviewed and took a “support if amended” position on this language, asking for one minor clarifying amendment.

*Status: The Board’s requested language was amended into the bill on August 18, 2015.*

## THE BOARD IS MONITORING THE FOLLOWING LEGISLATION:

**AB 85 (Wilk): Open Meetings**
This bill would make an advisory body consisting of less than three members subject to the Bagley-Keene Open Meeting Act if a member of the state body is serving on it in his or her official capacity, and if the advisory body is supported, wholly or partially, by funds from the state body.

At its May 21, 2015 meeting, the Board took an “oppose” position on this bill.

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

**AB 333 (Melendez): Healing Arts: Continuing Education**
This bill would allow a healing arts licensee who takes coursework toward, and becomes a certified instructor of, CPR or AED use, to count one unit of credit toward his or her continuing education requirement. The CE credit would only count if the licensee’s licensing board laws or regulations do not exclude counting such courses or activities.

At its May 21, 2015 meeting, the Board took an “oppose unless amended” position on this bill, and asked that the Board be removed from the provisions of the bill.

This bill was amended on June 24, 2015 to require a licensing board’s laws or regulations to allow CPR or AED continuing education courses in order for the provisions of this bill to apply. Therefore, this bill no longer affects Board licensees, as the Board’s statutes and regulations do not permit this type of CE coursework. The Board’s position is now “neutral.”

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

**AB 796 (Nazarian): Health Care Coverage: Autism and Pervasive Developmental Disorders**
This bill modifies the definition of “qualified autism service professional” and “qualified autism service paraprofessional” to allow insurance coverage for types of behavioral health treatment other than applied behavior analysis.

At its May 21, 2015 meeting, the Board opted to remain neutral on this bill.
*Status: This is a two-year bill.*

**AB 1279 (Holden): Music Therapy**
This bill seeks to define music therapy in statute and to provide guidance to consumers and agencies regarding the education and training requirements of a qualified music therapist.

At its May 21, 2015 meeting, the Board opted to remain neutral on this bill.

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

**SB 479 (Bates): Healing Arts: Behavior Analysis: Licensing**
This bill establishes licensure for behavior analysts and assistant behavior analysts under the Board of Psychology.

At its June 12, 2015 meeting, the Board opted to remain neutral on this bill.

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

**SB 614 (Leno): Medi-Cal: Mental Health Services: Peer and Family Support Specialist Certification**
This bill would require the State Department of Health Care Services to develop a peer and family support specialist certification program.

At its May 21, 2015 meeting, the Board took an "Oppose unless Amended" position on this bill, requesting amendments that specified certain information in statute, rather than designating that information to be defined in regulations. The amendments the Board requested in statute are as follows:

- Inclusion of a clear definition of a peer and family support specialist;
- Inclusion of a defined scope of practice for a peer and family support specialist;
- Specification of the required hours of supervision for a peer and family support specialist, and identification of who may provide this supervision;
- Specification of the training requirements for a peer and family support specialist; and
- Addition of a fingerprinting requirement for peer and family support specialists.

This bill was amended on July 6, 2015. The amended version provides a definition of a peer and family support specialist, as the Board requested. However, the Board's remaining requested amendments are either not addressed or are only partially addressed.

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

*Updated: August 18, 2015*

Board of Behavioral Sciences

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# Memo

| | | | |
|---|---|---|---|
| **To:** | Board Members | **Date:** | August 17, 2015 |
| **From:** | Christy Berger<br>Regulatory Analyst | **Telephone:** | (916) 574-7817 |
| **Subject:** | **Rulemaking Update** | | |

## CURRENT REGULATORY PROPOSALS

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

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

These regulations were approved by the Secretary of state on June 23, 2015 and take effect October 1, 2015.

***Implementation of SB 704 (Examination Restructure): Amend Title 16, CCR Sections 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877; Add Sections 1805.01, 1822.5, 1822.6, 1830, 1878***

This proposal would revise Board regulations for consistency with statutory changes made by SB 704[1], which restructures the examination process for LMFT, LCSW, and LPCC applicants effective January 1, 2016.

This proposal was originally approved by the Board at its meeting in February 2013, and published in its California Regulatory Notice Register on March 15, 2013. However, the proposal was withdrawn in May 2013, as staff learned of implementation conflicts with the new BreEZe database system. For this reason, the effective date of the restructure was delayed until 2016[2].

[1] Chapter 387, Statutes of 2011
[2] SB 821 (Chapter 473, Statutes of 2013)

The final proposal was approved by the Board at its meeting in August 2014. It was published in its California Regulatory Notice Register on November 14, 2014. The public hearing was held on December 29, 2014, and the 45-day public comment period has ended. This proposal is now under review by the Department of Consumer Affairs.

***Requirements for Licensed Professional Clinical Counselors to Treat Couples or Families: Amend Title 16, CCR Sections 1820.5 and 1822; Add Sections 1820.6 and 1820.7***

This proposal clarifies requirements for LPCCs to treat couples and families, and outlines a process by which LPCCs and PCC Interns would receive Board confirmation that they have met the requirements to treat couples and families.

The final proposal was approved by the Board at its meeting in May 2014. It was published in the California Regulatory Notice Register on March 6, 2015. The public comment period has now ended, and the proposal is now under review by the Department of Consumer Affairs.

***Standards of Practice for Telehealth: Add Title 16, CCR Section 1815.5***

This proposal addresses the use of telehealth in the provision of psychotherapy, and clarifies questions, such as when a California license is needed, actions a licensee must take in order to protect the client in a telehealth setting, and that failure to follow telehealth requirements is considered unprofessional conduct.

The final proposal was approved by the Board at its meeting in May 2015 and was published in the California Regulatory Notice Register on July 10, 2015. The 45-day public comment period ends on August 24, 2015, and the public hearing is scheduled for August 25, 2015.

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# Memo

**To:** Board Members

**Date:** August 12, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject:** **Discussion Regarding the Use of the Title "Intern" versus "Associate"**

---

Dr. Benjamin Caldwell, Associate Professor Couple and Family Therapy Graduate Programs California School of Professional Psychology at Alliant International University, will discuss the use of the "Intern" title versus "Associate."

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# Memo

**To:** Board Members **Date:** August 12, 2015

**From:** Rosanne Helms
Legislative Analyst **Telephone:** (916) 574-7897

**Subject:** **Consideration of English as a Second Language Testing Accommodations**

---

## Issue

The Board does not currently offer special accommodations for examinees who speak English as a Second language (ESL). A growing number of Board examinees have approached the Board asking it to consider allowing ESL testing accommodations.

## Background

Board records indicate that from at least the year 2000 until July 1, 2011, candidates who requested an ESL accommodation were granted extra time to take the board examinations. However, because ESL is not identified as a disability under the Americans with Disabilities Act (ADA), this accommodation was eliminated in 2011.

The Board has discussed reviving the ESL accommodation over the past several Board meetings. At its May 21, 2015 meeting, the Board directed staff to draft language which accomplishes the following:

- Specifies criteria to be used when considering whether to grant extra examination time for ESL applicants; and
- Allows the Board discretion in making a decision.

## Proposed ESL Accommodation Language

Staff has drafted language per the Board's direction (**Attachment A**). It requires applicants to state under the penalty of perjury that English is his or her second language. The language

proposes three scenarios under which the Board may consider granting an applicant time-and-a-half on an examination:

1. **TOEFL-iBT Score:** In this circumstance, the applicant must provide a score of 85 or below on the Test of English as a Foreign Language - Internet Based Test (TOEFL-iBT). The score must have been obtained within the previous two years prior to application. In the United States, the fee for the TOEFL-iBT test is $190.

   A few items to note regarding this requirement:

   - Educational Testing Service (ETS), which is the company that administers the TOEFL test, only keeps scores in its system for two years. This is the reason the test date must have been within the past two years.

   - There are two types of TOEFL tests: The TOEFL-iBT test (internet based test) and the TOEFL-PBT (paper test). The two tests have different scoring scales.

     According to ETS staff, the TOEFL-PBT test is being phased out. It is currently only available in countries with unreliable internet service.

   - The TOEFL score of 85 or below was chosen by Psychology Board, which recently gained OAL approval on regulations allowing it to grant extra examination time as an ESL accommodation. The Board of Psychology's regulation relies solely on the TOEFL score for granting an accommodation. The Psychology Board's regulation is show in **Attachment B**.

     Deciding what TOEFL score represents limited English proficiency is somewhat arbitrary. Universities vary greatly on what scores they accept **Attachment C** contains an explanation of the TOEFL-iBT scores from the ETS website. The test is scored in four parts, measuring English reading, listening, speaking, and writing skills. The maximum total score is 120.

     **Attachment D** shows a chart from an ETS report from 2007 (the most recent available), *"Test and Score Data Summary for TOEFL Internet-Based and Paper-Based Tests."* The chart shows percentile ranks for TOEFL iBT scores of examinees who took the TOEFL to become licensed to practice their professions. The mean score was 84, which would be in the 40$^{th}$ percentile.

2. **Documentation of an ESL Accommodation from the Qualifying Master's Degree Program:** In this circumstance, if the qualifying Master's degree program had granted the applicant an ESL accommodation, then the Board may grant the ESL accommodation. Documentation of the accommodation must be satisfactory to the Board.

3. **Documentation of a Foreign Qualifying Master's Degree that was Presented Primarily in a Language Other than English:** In this circumstance, if the qualifying Master's degree program was from an educational institution outside the U.S., and if coursework was presented primarily in a language other than English, then the Board may grant the ESL accommodation. Documentation provided must be satisfactory to the Board.

**Recommendation**

Conduct an open discussion regarding the proposed language to grant an ESL accommodation.

**Attachments**

**Attachment A:** Proposed ESL Accommodation Language

**Attachment B:** Board of Psychology – Recently Approved ESL Regulation Language

**Attachment C:** Educational Testing Service (ETS) Website: "Understanding your TOEFL iBT Test Scores"

**Attachment D:** ETS Report: "Test and Score Data Summary for TOEFL Internet-Based and Paper-Based Tests," January 2007-December 2007 Test Data; Table 6 "Percentile Ranks for TOEFL iBT Scores – Applicants for Professional License."

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# Attachment A
# Proposed ESL Accommodation Language

## § 1805.2. EXAMINATIONS: ENGLISH AS A SECOND LANGUAGE ACCOMODATION

The Board, in its sole discretion, may grant extra examination time to an applicant for whom English is his or her second language. To qualify for consideration, the applicant must complete and submit a request for additional time that states under penalty of perjury that English is his or her second language, and provide one of the following:

(a) A Test of English as a Foreign Language, Internet Based Test (TOEFL-iBT) certification score of 85 or below, sent by Educational Testing Service directly to the board. The TOEFL must have been taken within the previous two years prior to application.

(b) Documentation, to the satisfaction of the board, from the qualifying master's degree program that the program had granted the applicant an English as a second language accommodation while he or she was enrolled in the program.

(c) Documentation, to the satisfaction of the board, that the qualifying master's degree was obtained from an educational institution outside the United States, and that coursework was presented primarily in a language other than English.

If approved, the applicant will be allotted time–and-a-half (1.5x) when taking the required board-administered examination. Allowance of this accommodation for a required national examination is subject to availability from the exam-administering entity.

Note: Authority cited: Sections 4980.34, 4980.60, 4990.18, and 4990.20, Business and Professions Code. Reference: Sections 4980.397, 4980.50, 4989.22, 4992.05, 4992.1, 4999.52, 4999.53, Business and Professions Code.

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# Attachment B
# CA Board of Psychology
# Recently Approved ESL Regulation Language

**§ 1388. Examinations.**

(h) An applicant for whom English is his or her second language may be eligible for additional time when taking the EPPP and/or the CPLEE. The applicant must complete and submit a request for additional time that states under penalty of perjury that English is his or her second language. The Test of English as a Foreign Language (TOEFL) certification score of 85 or below must be sent by Educational Testing Service directly to the board. The TOEFL must have been taken within the previous two years prior to application. If approved, the applicant will be allotted time–and-a-half (1.5x) when taking the examination.

*Approved by the Office of Administrative Law, June 2015.*

*Note: "EPPP" stands for Examination for Professional Practice in Psychology.*
*"CPLEE" stands for California Psychology Laws and Ethics Examination.*

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Attachment C



# Understanding Your *TOEFL iBT®* Test Scores

TOEFL iBT
About the Test
Register for the Test
Prepare for the Test
On Test Day
Scores
Getting Your Scores
Sending Your Scores
Understanding Your Scores
Scoring Services
Improve Your Skills
Scoring Policies
Frequently Asked Questions

## *TOEFL®* Score Scales

| Skill | Score Range | Level |
|---|---|---|
| Reading | 0–30 | High (22–30)<br>Intermediate (15–21)<br>Low (0–14) |
| Listening | 0–30 | High (22–30)<br>Intermediate (15–21)<br>Low (0–14) |
| Speaking | 0–30 score scale | Good (26–30)<br>Fair (18–25)<br>Limited (10–17)<br>Weak (0–9) |
| Writing | 0–30 score scale | Good (24–30)<br>Fair (17–23)<br>Limited (1–16) |
| **Total Score** | **0–120** | |

The Reading and Listening sections are scored by computer with a score range from 0 to 30. The Reading section has 36–56 tasks based on reading passages from academic texts and answering questions. The Listening section has 34–51 tasks based on listening to lectures, classroom discussions and conversations, then answering questions.

### Improve Your Reading Skills with Lexile® Measures

Once you have your *TOEFL* Reading Section score, you can use it to find out your Lexile® measure which helps you select reading materials for your reading level. ETS and MetaMetrics® offer an easy-to-use, free service that matches your TOEFL® Reading Section score with a Lexile measure. A Lexile measure puts your reading ability and the text difficulty of reading materials on the same scale to help you find appropriate materials.

The Lexile site contains a search utility to help you find books that match your reading level and interests. To get your Lexile measure or learn more, visit www.lexile.com/toefl.

### Speaking Section

- Each of six tasks is rated from 0 to 4. The sum is converted to a scaled score of 0 to 30.
- ETS-certified test scorers rate responses and evaluate how well you develop your topic and deliver your message in English.

See the TOEFL iBT Speaking Section Scoring Guide (PDF).

### Writing Section

☆ Low end of intermediate and fair ranges: 15 + 15 + 18 + 17 = 65

☆ High end of intermediate and fair ranges: 21 + 21 + 25 + 23 = 90

Select a Language

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**Related Links**

- Free Test Questions
- Registration Bulletin
- Test Dates and Locations
- Test Fees
- Who Accepts TOEFL Scores

- Two tasks are rated from 0 to 5. The sum is converted to a scaled score of 0 to 30.
- The writing section is scored by:
  - evaluating the integrated writing task for development, organization, grammar, vocabulary, accuracy and completeness
  - rating the independent writing essay on overall writing quality, including development, organization, grammar and vocabulary
- Human rating — multiple, rigorously trained raters score tests anonymously. ETS raters are continually monitored to ensure fairness and the highest quality.
- *eRater®* automated scoring technology is used with human ratings to score the independent and integrated writing tasks. Using both human judgment for content and meaning with automated scoring for linguistic features ensures consistent, quality scores.

See the TOEFL iBT Writing Section Scoring Guide (PDF).

**ETS**

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Attachment D

ETS TOEFL

Listening. Learning. Leading.®

Test and Score Data Summary for

# TOEFL® Internet-based and Paper-based Tests

JANUARY 2007—DECEMBER 2007 TEST DATA

*Test of English as a Foreign Language™*

This edition of the *TOEFL Test and Score Data Summary* contains data on the performance of examinees who took the TOEFL Internet-based test (TOEFL® iBT) or the TOEFL paper-based test (TOEFL PBT) between January and December 2007.

www.ets.org/toefl

The TOEFL® Test — Quality Beyond Measure

## Table 6. Percentile Ranks for TOEFL iBT Scores—Applicants for Professional License*

| Scale Score | Reading | Listening | Speaking | Writing | Total Scale Score | Percentile Rank |
|---|---|---|---|---|---|---|
| 30 | 98 | 99 | 99 | 98 | 120 | 100 |
| 29 | 89 | 90 | 98 | 96 | 116 | 99 |
| 28 | 80 | 79 | 96 | 91 | 112 | 97 |
| 27 | 74 | 69 | 93 | 85 | 108 | 92 |
| 26 | 66 | 61 | 86 | ** | 104 | 85 |
| 25 | 60 | 53 | ** | 75 | 100 | 76 |
| 24 | 55 | 47 | 75 | 64 | 96 | 66 |
| 23 | 50 | 41 | 60 | ** | 92 | 56 |
| 22 | 45 | 36 | 45 | 51 | 88 | 47 |
| 21 | 41 | 32 | ** | 40 | 84 | 40 |
| 20 | 37 | 28 | 34 | 30 | 80 | 33 |
| 19 | 33 | 25 | 25 | ** | 76 | 27 |
| 18 | 29 | 22 | 17 | 22 | 72 | 23 |
| 17 | 26 | 19 | 11 | 16 | 68 | 19 |
| 16 | 24 | 17 | ** | ** | 64 | 15 |
| 15 | 21 | 15 | 6 | 11 | 60 | 12 |
| 14 | 19 | 13 | 4 | 7 | 56 | 10 |
| 13 | 16 | 11 | 3 | ** | 52 | 8 |
| 12 | 14 | 10 | ** | 4 | 48 | 6 |
| 11 | 13 | 9 | 2 | 2 | 44 | 5 |
| 10 | 11 | 8 | 1 | 1 | 40 | 4 |
| 9 | 9 | 7 | 1 | ** | 36 | 2 |
| 8 | 8 | 6 | 1 | 1 | 32 | 2 |
| 7 | 7 | 5 | ** | 1 | 28 | 1 |
| 6 | 5 | 4 | | | 24 | 1 |
| 5 | 4 | 3 | | | 20 | |
| 4 | 3 | 2 | | | 16 | |
| 3 | 2 | 1 | | | 12 | |
| 2 | 1 | | | | 8 | |
| 1 | 1 | | | | 4 | |
| 0 | | | | | 0 | |
| Mean | 20.6 | 21.9 | 21.0 | 21.0 | Mean | 84 |
| S.D. | 7.5 | 6.8 | 4.1 | 5.0 | S.D. | 20 |

*Based on examinees who indicated that they were taking TOEFL to become licensed to practice their professions in the United States or Canada.

**Indicates a non-existent scale score for Speaking and Writing.

Board of Behavioral Sciences

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# Memo

**To:** Board Members **Date:** August 13, 2015

**From:** Kim Madsen
Executive Officer **Telephone:** (916) 574-7841

**Subject:** **Uniform Standards and Templates for Reports and Evaluations Submitted to the Board Related to Disciplinary Matters**

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## Background

One of the key duties of a Board Member is to review disciplinary cases and requests from probationers to either modify their probation terms or end their probation early. Reports and evaluations may be included as part of the documentation relevant to the matter before the Board Member. Understanding that the Board Member's mandate is to protect the public, the Board Member thoroughly evaluates all of the documentation provided to make a determination.

The reports and evaluations are prepared by various subject matter experts or mental health professionals. While each subject matter expert or mental health professional has their own style or format, the Board Members have expressed a strong desire for consistency in these reports and evaluations. Specifically, the Board Members inquired about psychological evaluation requests, guidelines for preparing the evaluation, and the selection of the mental health professional to conduct the evaluation.

Establishing uniform standards and template for these reports and evaluations is an objective in the Board's current Strategic Plan (Enforcement Goal 3.4).

### Board Process

When a licensee or registrant is required to undergo a psychological evaluation, Board staff reviews a list of mental health professionals. This list is also used by the Board of Psychology. The list provides information regarding the mental health professional's specialty and geographic location. Board staff selects the mental health professional based on the needs of the Board as well as the location of the licensee or registrant.

In situations in which a practice specialty is not noted, Board staff will contact the mental health professional on the list that is nearby the licensee or registrant and request Curriculum Vitae

(CV). Board staff will review the CV and verify licensure to determine if it is appropriate to use the mental health professional to conduct the evaluation.

After the mental health professional is selected Board staff sends a letter to the mental health professional confirming his/her agreement to conduct the evaluation. Within this letter, the Board outlines specific areas that must be addressed within the evaluation. The Board also provides the relevant documentation such as the Disciplinary Order or police reports and court documents for the mental health professional's information.

The licensee or registrant is notified in writing who the Board has selected for the evaluation. The date and time of the evaluation is determined between the mental health professional and licensee or registrant. However, the date for the evaluation is not open ended. And the report must be submitted to the Board no later than 30 days after the conclusion of the evaluation.

Board staff contacted the Board of Psychology to inquire about their process regarding a psychological evaluation. The process is similar to the Board's, however, instead of a letter specifying the requirements, a Guideline for Psychological Evaluations is provided to the selected mental health professional.

A copy of the Board's letter and the Board of Psychology's guidelines are provided for your reference. Item number 10 in the Board's letter is an optional item and only included when appropriate.

Discussion

In speaking with Board staff, the Board's process has evolved throughout the years. Much of the current process was developed by contacting other Boards to identify best practices and then incorporating those practices. Through these contacts, the Board has developed its current letter to the mental health professional. Items numbered 1-11 (excluding 10) are included in every letter.

Alternatively, the Board of Psychology's guidelines offer an easy to read reference for the mental health professional to use when preparing the report. The format of the guidelines appears to establish a foundation for specific information to include in every report.

Board Members may determine that the current process, with some minor changes, would satisfy their concerns regarding psychological evaluations. However, if the Board desires significant changes to the current process, the Board may wish to consider establishing a work group of staff and a few Board Members to discuss the changes. These proposed changes could be presented to the full Board for consideration at a later meeting date.

Recommendation

Conduct an open discussion regarding the Board's current process for psychological evaluations. Determine if minor or significant changes to the current process should be made. If significant changes are desired, establish a work group of Board staff and a few Board Members to develop the proposed changes to present at a later Board Meeting. If the Board determines minor changes are appropriate, direct Board staff to make the minor changes.

Board of
Behavioral
Sciences

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

February 11, 2015

[redacted]

RE: Psychological Evaluation [redacted]

Dear Dr. [redacted]

Thank you for agreeing to serve as a forensic examiner for the Board of Behavioral Sciences (Board) on the above-referenced individual. If you know the individual or for some reason you cannot serve as an examiner on this case, return the information to me as soon as possible.

Enclosed are copies of the following documents for review:

1. Stipulated Settlement and Disciplinary Order and Statement of Issues
2. Letter submitted by [redacted]
3. Police Report/Court Document
4. Notification of Name of Selected Psychological Evaluator mailed to [redacted]
5. Conflict of Interest Certification

These are the background documents for this particular case to assist you in the preparation of the forensic examination. The Board's primary concern is to have your considered expert assessment as to whether or not this registrant, who has already engaged in serious unprofessional conduct, can now practice with safety to the public. In order to assist the Board in making a determination, we request you to provide the following issues, and any others which you deem appropriate, in your written report.

1. A psychosocial history of the registrant.
2. A detailed exploration of the events which led to the discipline.
3. A clinical description of the registrant's psychological defense structure which permitted the unprofessional conduct to occur.
4. A description of the registrant's attitude toward the acts and the current discipline.
5. An evaluation of any rehabilitation which may have occurred, including any major restructuring of the psychological defense system.

6. A clinical description of registrant's current psychosocial functioning, particularly as it pertains to functioning safely as a clinician.

7. Current DSM V diagnosis; if not appropriate, please explain why.

8. Your evaluation of the registrant's fitness to practice safely, giving the reasons for your conclusions.

9. [redacted] Stipulated Settlement and Disciplinary Order requires an assessment specific to the circumstances leading to the conviction and a determination of appropriate treatment, if applicable. Please address this in your report and include the treatment, frequency, and duration, if applicable.

10. [redacted] Stipulated Settlement and Disciplinary Order indicates that supervised practice would be required if the psychological evaluation recommends a need. Please address this in your report and, if you determine the need for supervised practice, include the reason(s), frequency, and duration. Please be aware that [redacted] is not licensed and is currently under the supervision of an experience supervisor.

11. If the evaluation determines that the registrant is not safe to practice, please provide the course of treatment needed, the frequency needed (weekly, bi-weekly, etc.), the duration of treatment, and whether the registrant should be re-evaluated after a specified period of time.

Please discuss any other issues relative to the clinical aspects of this case which arise from your assessment.

Your written report should be submitted to the Board no later than 30 days from the date of the last evaluation session. It should be submitted to the Board and not the registrant. The Board will forward a copy of the report to the registrant if the registrant requests it in writing. If any aspect of the evaluation process is performed by another mental health professional, please incorporate that information and those results in your own report, or attach as an addendum to your report.

Payment for this evaluation is the responsibility of the registrant.

If you have any questions, please contact me at (916) 574-7849.

Sincerely,

[redacted]
Probation Analyst

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
**BOARD OF PSYCHOLOGY**
2005 Evergreen Street, Ste. 1400 Sacramento, CA 95815
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# GUIDELINES FOR PSYCHOLOGICAL EVALUATION

**I. Introduction:** Dates and location (s) the person was seen; reports and records available to the evaluator, e.g. police, hospital, probation reports; length of interview time; psychometrics administered and date of dictation if different from the date of report.

**II. Identification:** Person's date of birth, marital status, etc.

**III. Reason for Referral:** Referral Questions: These will be clearly stated in documents provided by the board.

**IV. Mental Status Examination:** Results typically include alertness, orientation, appearance, reality contact, ability to relate, cooperation, mood and affect, speech, motor movements, memory, judgment, intellectual functioning, daily activities and other pertinent items.

**V. Personal, Family, Extended Family and Social Histories.**

**VI. Educational and Employment Histories:** These may also include reasons for leaving a position of employment or school; location and type of supervision experience or internship; professional licenses, credentials, professional honors, etc.

**VII. Medical and Mental Health Histories:** Please include any current medications.

**VIII. History of Substance Abuse/Dependency.**

**IX. Miscellaneous:** This section typically covers financial history and current status; historyand current status; history of arrests; malpractice litigation; military service including type of discharge, license disciplinary action; worker compensation and/or disability, etc.

**X. Social Functioning.**

**XI. Psychometrics:** Test results and how they support the impressions, conclusions and recommendations are included here. If tests were not administered, please state the reason(s) for this decision.

**XII. Impression:** In all cases, this shall include a five-axis DSM diagnosis or a specific statement that there is no diagnosis. This section often includes the presence or absence of denial as a mechanism.

**XIII. Recommendations:** Include as appropriate recommendations for ongoing therapy, further evaluation, hospitalization, chemical dependency treatment, restriction on patients to be seen by this person, e.g. no children, no women; supervision, financial monitoring, etc. If there are no recommendations, please make such a statement.

**XIV. Conclusions and Narrative Summary.**

**ADDITIONAL REQUIREMENTS:**

- Answer the question: Is subject's ability to practice psychology safely, impaired due to a mental illness?
- The presence or absence of remorse for possible harm to other involved persons, i.e. his/her patients.
- Presence or absence of denial for any or all of the allegations.
- Your opinion of his/her potential for rehabilitation.
- Your opinion of whether or not this person will be a compliant patient for treatment/medication.
- Your opinion whether this person's conduct was an aberration, situational, or typical.
- Your recommendations for the type, amount and length of supervision in his/her practice realizing the Board may not be able to effect these recommendations in this case.
- Your opinions as to the need for monitoring, including laboratory findings, for use of controlled substances.
- Your opinion as to this person's impulse control.
- Your opinion as to this person's insight into his/her difficulties, interpersonal relationships, sources of difficulties, etc.

Board of Behavioral Sciences

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# Memo

**To:** Board Members

**Date:** August 12, 2015

**From:** Kim Madsen
Executive Officer

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

**Subject:** **2016 Board and Committee Meeting Dates**

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## BOARD MEETINGS

March 2-4, 2016* Sacramento, California
May 12-13, 2016 Southern California
August 24-26, 2016 * Sacramento, California
November 17-18, 2016 Southern California

** Extra date is for disciplinary cases, if needed. If not, the meeting will be 2 days beginning on Thursday.*

## POLICY & ADVOCACY COMMITTEE

January 29, 2016 Sacramento, California
April 15, 2016 Sacramento, California
August 5, 2016 Sacramento, California
September 30, 2016 Sacramento, California

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