Board of Behavioral Sciences

1625 North Market Blvd.
Suite S-200
Sacramento, CA 95834
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BOARD MEETING NOTICE
March 2-4, 2016

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 technical difficulties or limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

AGENDA
Wednesday, March 2, 2016
10:00 a.m.

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

I. Petition for Early Termination of Probation for Scott Bobrow, LMFT 86952

II. Petition for Early Termination of Probation for Suzanne Chiu, ASW 37316

III. Petition for Early Termination of Probation for Roberto Dominguez, LMFT 77649

IV. Public Comment for Items not on the Agenda

V. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

VI. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, including the above petitions, and any other matters. The Board will also, pursuant to section (a)(1) of the Government Code, meet in Closed Session to evaluate the performance of the Executive Officer.

Governor
Edmund G. Brown Jr.

State of California

Business, Consumer Services and Housing Agency

Department of Consumer Affairs

FULL BOARD OPEN SESSION

VII. Adjournment

Thursday, March 3, 2016
8:30 a.m.

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

VIII. Petition for Early Termination of Probation for Megan Harris, ASW 35916

IX. Petition for Early Termination of Probation for Douglas Meyer, LMFT 84089

X. Petition for Reinstatement of License for Mimi Shevitz, LMFT 25839

XI. Public Comment for Items Not on the Agenda

XII. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

XIII. 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, including the above petitions and any other matters.

FULL BOARD OPEN SESSION

XIV. Adjournment

Friday, March 4, 2016
8:30 a.m.

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

XV. Introductions*

XVI. Approval of the November 19-20, 2015, Board Meeting Minutes

XVII. Approval of the December 18, 2015, Board Meeting Minutes

XVIII. Chair Report

XIX. Executive Officer's Report

a. Budget Report
b. Operations Report

c. Personnel Report
d. Sunset Report Update

XX. Strategic Plan Update

XXI. Supervision Committee Update

XXII. Examination Restructure Update

XXIII. Discussion and Possible Action Regarding BBS Customer Survey

XXIV. Discussion and Possible Action for Proposed Additional Amendments to the Omnibus Bill. Amend Business and Professions Code Sections 4980.81 and 4996.3

XXV. Discussion and Possible Action Regarding Assembly Bill 1001 (Maienschein) Child Abuse: Reporting: Foster Family Agencies

XXVI. Presentation of Licensed Educational Psychologist Examination Validation Report

XXVII. Discussion Regarding the Comparison of the Association of Marital and Family Therapy Regulatory Board Examination for Licensure and the California Licensed Marriage and Family Therapist Clinical Examination

XXVIII. Discussion and Possible Action Regarding Comments Submitted for the English as a Second Language Rulemaking Package

XXIX. Discussion and Possible Action Regarding Uniform Requirements and Templates for Reports and Evaluations Submitted to the Board Related to Disciplinary Matters

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

a. Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants Assembly Bill 1917 (Obernolte)
b. Omnibus Legislation

XXXI. Status of Board Rulemaking Proposals

a. Approved Regulations: Implementation of Senate Bill 704 Exam Restructure
b. Approved Regulations: Requirements for LPCCs to Treat Couples or Families
c. Pending Regulations: Standards of Practice for Telehealth
d. Pending Regulations: English as a Second Language: Additional Examination Time

XXXII. Discussion and Possible Action Regarding Changing the August Board Meeting Dates

XXXIII. Suggestions For Future Agenda Items

XXXIV. Public Comment for Items Not on the Agenda

XXXV. 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.

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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Memo

To:	Board Members	**Date:**	February 18, 2016
From:	Christina Kitamura Administrative Analyst	**Telephone:**	(916) 574-7835
Subject:	**Approval of the November 19-20, 2015, Board Meeting Minutes**		

Item XVI, November 19-20, 2015 Board Meeting Minutes, will be provided under a separate cover.

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Board of Behavioral Sciences

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

BOARD MEETING MINUTES - *DRAFT*
December 18, 2015

Department of Consumer Affairs
Stanislaus Room
1625 North Market Blvd., #S-203
Sacramento, CA 95834

The Board of Behavioral Sciences met via teleconference at the following locations:

8740 Washington Blvd.
Culver City, CA 90232

47323 Road 620
Oakhurst, CA 93644

1213 Newell Road
Palo Alto, CA 94303

5506 Ranchito Avenue
Sherman Oaks, CA 91401

5060 Castile Way
Riverside, CA 92507

6767 Green Valley Road
Placerville, CA 95667

11740 Henley Lane
Los Angeles, CA 90077

4801 Airport Plaza Drive
8th Floor G.R. Conference Room
Long Beach, CA 90815

Members Present
Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Scott Bowling, Public Member
Samara Ashley, Public Member
Patricia Lock-Dawson, Public Member

Staff Present
Steve Sodergren, Asst. Executive Officer
Dianne Dobbs, Legal Counsel
Christy Berger, Regulatory Analyst
Rosanne Helms, Legislation Analyst
Christina Kitamura, Administrative Assistant

Members Absent
Dr. Leah Brew, LPCC Member
Sarita Kohli, LMFT Member
Dr. Christine Wietlisbach, Public Member

Guests
Shelley Jones, Dept. of Consumer Affairs

FULL BOARD OPEN SESSION

Christina Wong, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:06 a.m. Christina Kitamura called roll, and a quorum was established.

I. Introductions

Board Members and Board staff introduced themselves. Shelley Jones, Department of Consumer Affairs (DCA), was in attendance at the Sacramento location. No other public guests were in attendance at the remote locations.

II. Discussion and Possible Action Regarding Modified Text for Rulemaking to Implement the Examination Restructure Senate Bill 704, Statutes of 2011, Chapter 387

The Office of Administrative Law (OAL) is responsible for the final review of proposed regulatory language. Upon review of the Examination Restructure regulation package, they notified the Board that there are text modifications that are technical in nature that are necessary in order for the proposed regulation to meet certain standards. These text revisions required staff to submit modified language for a 15 day public comment period. The 15-day comment period ends today, December 18, 2015, and no comments have been received as of yet.

The proposed changes for the Board's consideration are as follows:

- **Amendment to section 1805:** A nonsubstantive change is proposed in order to remove an unnecessary subdivision number (a).

- **Amendment to section 1805.05(b):** A nonsubstantive clarifying change is proposed to indicate that subdivision (b) does not apply to subdivision (c).

- **Amendment to sections 1822.50(b) and 1877.1(b):** A clarifying change is proposed to specify the national exam that the Board will be requiring.

- **Amendment to section 1829.1(b):** The language pertaining to a national exam is proposed to be stricken, as the Board has not elected to use a national exam at this time for the Licensed Marriage and Family Therapist program. The remaining language states that the exam for this program will be a board-administered exam.

- **Amendment to sections 1822.51(a)(1)(A), 1829.2(a)(1)(A) and 1877.2(a)(1)(A):** A nonsubstantive change is proposed to clarify that the registrant is only required to take a 12-hour law and ethics course when he or she does not pass the exam during his or her registration's renewal cycle (as opposed to each time he or she fails the exam).

Patricia Lock-Dawson moved to ratify the modified text, and to direct staff to make any nonsubstantive changes and submit the rulemaking package as amended to OAL. Dr. Scott Bowling seconded. The Board voted unanimously (9-0) to pass the motion.

Board vote:
Christina Wong – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – yea
Renee Lonner – yea
Karen Pines – yea
Dr. Scott Bowling – yea
Samara Ashley – yea
Patricia Lock-Dawson – yea

III. Public Comment for Items Not on the Agenda

There were no public comments.

IV. Adjournment

The Board adjourned at 9:16 a.m.

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2015/2016 Budget

The Board's budget for FY 2015/2016 is $9,039,000. Expenditures as of December 31, 2015 total $5,135,362 or 57% of the Board's budget.

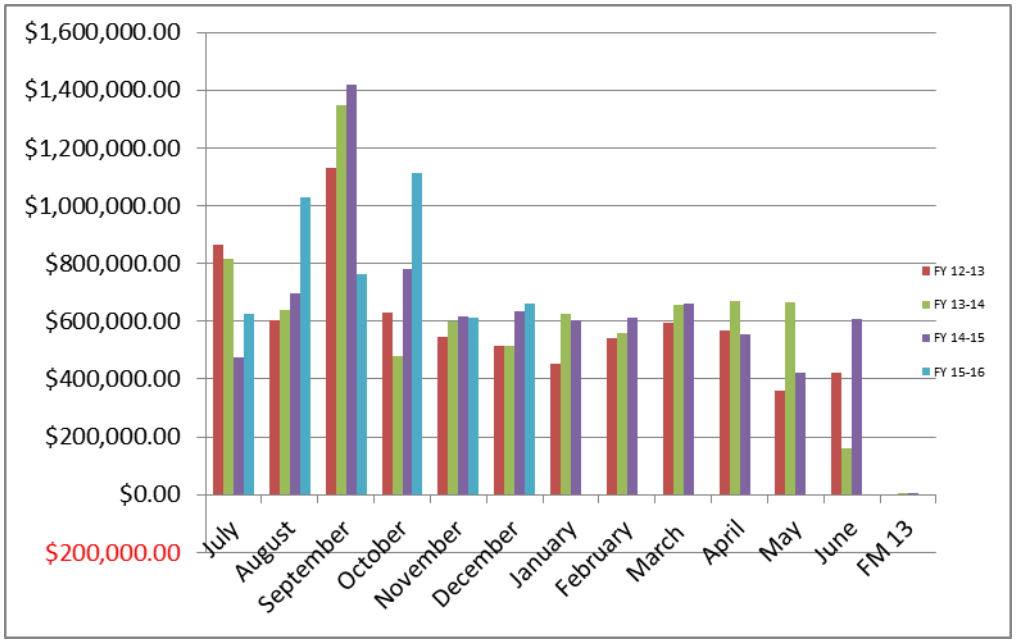
The chart below provides a breakdown of expense categories and percentages.

Expense Category	Amount	Percentage
Personnel	$ 1,954,314	22%
OE&E	$ 2,216,866	24%
Enforcement	$ 689,276	8%
Minor Equipment *Includes LPCC exp*	$ 274,907	3%
Total Expenses	**$ 5,135,362**	**57%**

As of December 31, 2015, the Board had collected $4,805,999.40 in total revenue.

Month	FY 12-13	FY 13-14	FY 14-15	FY 15-16
July	$865,553.99	$817,394.34	$475,567.98	$627,284.68
August	$605,609.87	$641,178.70	$698,635.93	$1,026,917.57
September	$1,130,230.37	$1,349,479.66	$1,419,736.29	$764,549.24
October	$631,685.86	$480,531.87	$779,134.95	$1,114,396.16
November	$545,880.97	$600,316.56	$617,891.41	$610,736.93
December	$514,784.93	$516,264.24	$635,199.34	$662,114.82
January	$452,850.71	$625,528.05	$601,512.09	
February	$541,115.50	$559,755.55	$612,208.93	
March	$593,123.75	$655,619.38	$662,167.83	
April	$569,381.90	$670,839.44	$554,415.62	
May	$360,131.06	$663,732.55	$420,330.14	
June	$421,329.60	$158,802.68	$606,750.69	
FM 13	($266.97)	$388.71	$2,096.87	

The chart below provides a fiscal year comparison of the Board's monthly revenue.



Board Fund Condition

The Board's Fund Condition report reflects 6.1 months in reserve. Projections for the FY 2016/2017 budget indicate a scheduled repayment of $6.3 million dollars which will provide the Board 11.7 months in reserve. By law, the Board may only have 24 months in reserve.

2016/2017 Budget

On January 7, 2016, the Governor released his proposed budget for fiscal year 2016/2017. The proposed budget, as in previous years, is consistent with the Governor's message of fiscal restraint and planning for the future. The Board is fortunate that the Governor's budget does recognize the Board's need for additional staff resources. The Board will receive an additional 8.5 staff positions effective July 1, 2016.

These additional positions permanently establish the limited term, temporary, and borrowed staff that have helped the Board improve its efficiency and reduce its processing times. Further within these new positions, the Board will receive new staff to assist with the new workload due to the examination restructure. The inclusion of these positions in the Governor's budget ensures that the Board will be able to maintain reasonable processing times.

BBS EXPENDITURE REPORT FY 2015/16

OBJECT DESCRIPTION	FY 2014/15 ACTUAL EXPENDITURES	FY 2015/2016 BUDGET ALLOTMENT	CURRENT AS OF 12/31/2015	UNENCUMBERED BALANCE
PERSONAL SERVICES				
Salary & Wages (Civ Svc Perm)	2,193,060	2,621,468	1,173,787	1,447,681
Salary & Wages (Stat Exempt)	91,989	93,888	50,544	43,344
Temp Help (907)(Seasonals)	85,680	60,000	38,091	21,909
Temp Help (915)(Proctors)	0	444	0	444
Board Memb (Per Diem)	18,600	12,900	6,600	6,300
Overtime	23,670	1,500	1,762	(262)
Totals Staff Benefits	1,268,659	1,459,413	683,530	775,883
Salary Savings				
TOTALS, PERSONAL SERVICES	3,681,658	**4,249,613**	**1,954,314**	**2,295,299**
OPERATING EXP & EQUIP				
Fingerprint Reports	17,872	14,827	9,466	5,361
General Expense	93,648	85,328	49,560	35,768
Printing	**92,313**	**32,000**	**49,479**	(17,479)
Communication	14,909	24,513	6,680	17,833
Insurance	0	325	0	325
Postage	**41,072**	**4,767**	**19,244**	(14,477)
Travel, In State	**105,321**	**58,684**	**46,169**	12,515
Travel, Out-of-State	1,237	72,000	0	72,000
Training	**2,496**	**25,463**	**1,700**	23,763
Facilities Operations	204,700	227,925	108,914	119,011
Utilities	140	4,330	0	4,330
C&P Services - Interdept.	0	14,939	0	14,939
C&P Services-External Contracts	**8,527**	**129,516**	**8,693**	120,823
DEPARTMENTAL PRORATA				
DP Billing (424.03)	885,579	589,461	786,000	(196,539)
Indirect Distribution Costs (427)	485,370	628,389	314,000	314,389
Public Affairs (427.34)	14,575	18,277	9,000	9,277
D of I Prorata (427.30)	13,408	23,651	8,000	15,651
Consumer Relations Division (427.:	15,988	22,606	11,500	11,106
OPP Support Services (427.01)	0	490	0	490
Interagency Services (OER IACs)	255,469	325,065	113,066	211,999
Consolidated Data Services (428)	33	26,096	13	26,083
Data Proc (Maint,Supplies,Cont) (43:	16,296	14,448	24,889	(10,441)
Statewide Pro Rata (438)	388,161	410,000	204,964	205,036
EXAM EXPENSES				
Exam Site Rental	41,656	99,630	31,783	67,847
Exam Contract (PSI) (404.00)	425,073	358,659	314,637	44,022
C/P Svs - Expert Examiners (404.01	0	45,000	0	45,000
C/P Svs - External Subj Matter (404.	180,090	365,260	99,109	266,151
ENFORCEMENT				
Attorney General	898,872	801,588	461,753	339,836
Office of Admin. Hearing	202,462	154,926	117,848	37,078
Court Reporters	14,546	0	12,331	(12,331)
Evidence/Witness Fees	28,475	94,955	56,844	38,111
Division of Investigation	217,959	72,669	40,500	32,169
LPCC	*402,885*		*239,473*	(239,473)
Minor Equipment (226)	**46,164**	**8,600**	**32,072**	(23,472)
Equipment, Replacement (452)	**6,846**	**0**	**3,362**	(3,362)
Equipment, Additional (472)	**1,918**	**16,000**	**0**	16,000
Vehicle Operations	**0**	**19,000**	**0**	19,000
TOTAL, OE&E	5,124,056	**4,789,387**	**3,181,048**	**1,608,339**
TOTAL EXPENDITURES	**$8,805,714**	**$9,039,000**	**$5,135,362**	**$3,903,638**

Reimbursements	FY 14/15 FM 13	Budget Alotment	Current as of 12/31/2015
Fingerprints	(14,488)	(24,000)	(7,361)
Other Reimbursements	(6,815)	(26,000)	(65,623)
Unscheduled Reimbursements	(184,138)		
Total Reimbursements	(205,440)	(50,000)	(72,984)

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

0773 - Behavioral Science
Analysis of Fund Condition

Prepared 10.28.15

(Dollars in Thousands)

2015-16 Budget Act w/ FY 2014-15 Actuals

		Actual 2014-15	CY 2015-16	BY 2016-17	BY +1 2017-18
BEGINNING BALANCE		$ 3,309	$ 3,958	$ 5,204	$ 10,199
Prior Year Adjustment		$ 119	$ -	$ -	$ -
Adjusted Beginning Balance		$ 3,428	$ 3,958	$ 5,204	$ 10,199
REVENUES AND TRANSFERS					
Revenues:					
125600	Other regulatory fees	$ 74	$ 68	$ 68	$ 68
125700	Other regulatory licenses and permits	$ 2,680	$ 3,218	$ 3,218	$ 3,218
125800	Renewal fees	$ 5,020	$ 4,780	$ 4,780	$ 4,780
125900	Delinquent fees	$ 90	$ 71	$ 71	$ 71
141200	Sales of documents	$ -	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ 8	$ 8	$ 8	$ 8
150300	Income from surplus money investments	$ 321	$ 6	$ 9	$ 24
150500	Interest interest from Interfund loans	$ -	$ 835	$ 783	$ -
160100	Attorney General Proceeds of Anti-Trust	$ 1	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 3	$ -	$ -	$ -
161400	Miscellaneous revenues	$ 4	$ -	$ -	$ -
Totals, Revenues		$ 8,201	$ 8,986	$ 8,937	$ 8,169
Transfers from Other Funds					
F00683	Teale Data Center (CS 15.00, Bud Act of 2005)	$ -	$ -	$ -	$ -
F00001	GF loan repayment per item 1170-011-0773 BA of 2002	$ 1,000	$ 2,400	$ 6,300	$ -
F00001	GF loan repayment per item 1110-011-0773 BA of 2008	$ -	$ -	$ -	$ -
F00001	GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ -	$ -	
Totals, Revenues and Transfers		$ 9,201	$ 11,386	$ 15,237	$ 8,169
Totals, Resources		$ 12,629	$ 15,344	$ 20,441	$ 18,368
EXPENDITURES					
Disbursements:					
8860 FSCU (State Operations)		$ -	$ -	$ -	$ -
8880 Financial Information System for California		$ 7	$ 17	$ -	$ -
1110 Program Expenditures (State Operations)		$ 8,664	$ 10,123	$ 10,242	$ 10,447
Total Disbursements		$ 8,671	$ 10,140	$ 10,242	$ 10,447
FUND BALANCE					
Reserve for economic uncertainties		$ 3,958	$ 5,204	$ 10,199	$ 7,921
Months in Reserve		4.7	6.1	11.7	8.9

Board Statistics

Attached for your review are the quarterly performance statistics for the second fiscal quarter of 2015/2016.

Licensing Program

Overall application volumes decreased in the second quarter of FY 2015/2016. The decrease is attributed to the seasonality of application volumes and the implementation of the examination restructure, which included a "blackout" period in December.

Application Volumes

Application Type	2nd Quarter 10/1/15-12/31/15	1st Quarter 7/1/15-9/30/15	Difference
MFT Intern	676	1324	-49%
MFT Examination	399	641	-38%
ASW Registration	550	1075	-49%
LCSW Examination	273	397	-39%
LEP Examination	17	38	-55%
LPCC Intern	174	289	-40%
LPCC Examination	25	34	-26%

Days to Process Application

License Type	2nd Quarter FY 15/16	1st Quarter FY 15/16	Difference
MFT Intern	12 days	22 days	-45%
MFT Examination	51 days	47 days	+9%
ASW	11 days	19 days	-42%
LCSW Examination	19 days	15 days	+27%
LEP Examination	7 days	14 days	-50%
LPPC Intern	33 days	30 days	+10%
LPCC Examination	32 days	28 days	+14%

LICENSE POPULATION (As of 2/1/16)				
License Type	**Active**	**Current In-Active**	**Delinquent**	**Total Population**
Registrants				
MFTI	16,005	N/A	3,488	19,493
ASW	12,590	N/A	2,791	15,381
PCI	1,478	N/A	198	1676
Total Registrant	30,073	N/A	6,477	36,550
Licensees				
LMFT	32,592	4,306	2,823	39,721
LCSW	19,619	2,457	1,612	23,688
LEP	1,325	452	399	2,176
PCE	1,613	N/A	13	1,626
LPCC	1,259	52	33	1,384
Total Licensee	56,408	7,267	4,880	68,555
Total Population	86,481	7,267	11,357	**105,105**

A total of 1,569 initial licenses were issued in the second quarter. As of February 1, 2016 the Board has 105,105 licensees and registrants. This figure encompasses licenses that have been issued that are current or eligible to renew.

Examination Program

4,344 examinations were administered in the second quarter. This increase is directly attributed to the examination restructure. Twelve (12) examination development workshops were conducted October to December. 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. The first quarter pass rates for fiscal year 15/16 will be posted soon.

Administration Program

The Board received 5,651 applications in the second quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the second quarter

RENEWAL ACTIVITY		
	Number of Renewals	**Percentage**
DCA Processed	7,396	62%
BBS Processed	563	5%
Online Renewal	3,947	33%
Total	11,906	

Enforcement Program

The Enforcement staff received 251consumer complaints and 224 criminal convictions in the second quarter. 578 cases were closed this quarter and 47 cases were referred to the Attorney General's office for formal discipline. 31 Accusations and 11 Statement of Issues were filed this quarter. The Board is unable to report the current average for Formal Discipline due to an error in the report.

Outreach Activity

Board staff has either physically attended the following events or participated via a phone conference.

October 2015

- October 9-10, 2015 NASW Conference - San Francisco, CA
- October 9-10, 2015 LMFT Educator's Forum – Pepperdine University
- October 23, 2015 LMFT Educator's Forum – JFK, Berkeley, CA
- October 24, 2015 NASW Conference – Burbank, CA

November

- November 5-7, 2015 ASWB Annual Meeting of the Delegate Assembly Ft. Lauderdale, FL
- November 14-15, 2015 CAMFT Symposium – Costa Mesa, CA
- November 18, 2015 MFT Consortium Orange County

December

- December 7, 2015 MFT Consortium of Central Coast
- December 10, 2015 MFT Consortium of the Inland Empire

The Board's third newsletter was published late December 2015. The newsletter is currently available on the Board's website.

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QUARTERLY STATISTICAL REPORT FY 2015-2016

SECOND QUARTER

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

CASHIERING

Renewals Processed In-House	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	290	411	311	207	243	113							**1575**
Closed	371	356	430	270	106	199							**1732**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

Renewals Processed By DCA Central Cashiering	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	2819	3219	3198	2658	2502	2236							**16632**
Closed	3391	3004	3157	2952	1933	2579							**17016**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Online Renewals	1323	1253	1374	1348	1366	1233							**9195**
Online Cert Reorder	N/A	N/A	N/A	N/A	67	61							**128**

Application Payments Processed In-House**	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	2150	2727	2466	2179	2031	1441							**12994**
Closed	2694	2268	1870	2427	2388	2949							**14596**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

***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	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
LMFT	197	188	171	219	235	503							**1513**
LCSW	78	130	103	135	146	297							**889**
LEP	15	8	4	5	4	3							**39**
LPCC	7	10	6	16	0	6							**45**
TOTAL	297	336	284	375	385	809							**2486**
LMFT Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	177	277	187	160	212	27							**1040**
Approved	270	263	248	263	298	374							**1716**
Process Time	45	44	47	51	51	51							**48**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**
LCSW Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	129	143	125	132	85	56							**670**
Approved	198	184	251	172	89	205							**1099**
Process Time	41	31	15	12	18	27							**24**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

LEP Examination Eligibility Applications	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	15	16	7	8	4	5							**55**
Approved	17	5	19	16	4	8							**69**
Process Time	12	15	14	8	7	5							**10**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**
LPCC Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	2	9	23	13	10	2							**59**
Approved	12	8	9	10	11	11							**61**
Process Time	16	20	24	32	32	32							**26**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

LMFT Intern Registration Applications	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	446	488	390	277	279	120							**2000**
Approved	397	416	418	558	365	280							**2434**
Process Time	11	15	22	13	11	13							**14**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**
ASW Registration Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	398	367	310	240	227	83							**1625**
Approved	535	427	478	315	228	201							**2184**
Process Time	15	21	19	11	11	12							**15**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

LPC Intern Registration Applications	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	64	127	98	62	60	52							**463**
Approved	78	70	86	82	62	89							**467**
Process Time	13	21	30	33	34	32							**27**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A							**N/A**

EXAMINATION

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

Examinations Administered	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
LCSW Written	216	253	250	372	586	0							**1677**
LCSW L&E													**0**
LCSW CV	125	135	121	194	554	0							**1129**
ASWB Clinical													**0**
LMFT Written	348	388	458	607	666	0							**2467**
LMFT L&E													**0**
LMFT CV	277	256	228	326	997	0							**2084**
LMFT Clinical													**0**
LPCC Traditional L&E	14	7	7	7	13	0							**48**
LEP	14	12	4	11	11	0							**52**
Total Exams Administered	**994**	**1051**	**1068**	**1517**	**2827**	**0**							**7457**
Examination Workshops	**3**	**5**	**4**	**6**	**3**	**3**							**24**

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*)***	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	94	111	105	101	64	85							560
Closed without Assignment for Investigation	15	22	16	2	25	12							92
Assigned for Investigation	90	85	66	101	48	60							450
Average Days to Close or Assigned for Investigation	5	6	6	7	8	8							7
Intake Pending	4	9	32	27	17	28							117

Convictions/Arrest Reports	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	108	86	110	87	71	66							528
Closed / Assigned for Investigation	0	0	0	0	0	0							0
Assigned for Investigation	91	95	98	95	87	74							540
Average Days to Close	2	5	3	5	7	5							5
Intake Pending	17	8	20	12	8	0							65

Complaint Intake * Complaints Received by the Program.

INVESTIGATION*

Desk Investigation	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	174	168	157	179	149	140							967
Closed	175	134	188	192	140	208							1037
Average Days to Close	117	99	94	112	95	105							104
Pending	525	573	555	538	537	459							
Field Investigation (Non-Sworn)	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	7	11	7	12	3	4							44
Closed	1	7	8	4	17	6							43
Average Days to Close	166	105	176	155	107	92							134
Pending	33	37	36	41	26	23							
Field Investigation (Sworn)	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	1	4	1	5	1	3							15
Closed	6	4	4	5	2	4							25
Average Days to Close	175	367	351	323	426	267							318
Pending	36	36	33	30	29	27							
All Investigations	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
First Assignments	182	183	165	196	153	147							1026
Closed	182	145	200	201	159	218							1105
Average Days to Close	153	190	207	197	209	155							185
Pending	565	619	596	609	592	509							

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.

Enforcement Actions	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
AG Cases Initiated	20	17	7	15	17	15							91
AG Cases Pending	233	239	231	174	177	175							
SOIs Filed	5	2	2	5	4	2							20
Accusations Filed	7	14	4	11	10	10							56
Proposed/Default Decisions Adopted	2	1	4	5	NA	3							15
Stipulations Adopted	4	5	3	7	NA	9							28
Disciplinary Orders	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	11	1	0	15	0	17							44
Average Days to Complete***	504	738	N/A	430	NA	492							
Citations	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	
Final Citations	1	0	2	5	2	3							13
Average Days to Complete****	179	N/A	610	208	71	171							

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.

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Board of Behavioral Sciences

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Memo

To: Board Members **Date:** February 11, 2016

From: Laurie Williams, Human Resources Liaison **Telephone:** (916) 574-7850

Subject: **Personnel Update – March 2016 Board Meeting**

New Employees

- *Office Technician (OT) (Full-time) – Licensing* - Amber Apodaca accepted the OT vacancy within the Licensing Unit effective January 12, 2016. Ms. Apodaca is new to state service and prior to her hire she worked as a Patient Registrar with Woodland Healthcare. This OT position functions as the Licensed Educational Psychologists (LEP) Evaluator, Licensing Support Technician as well as the Licensing File Coordinator. This position also provides back-up to the registrant's desks by printing and mailing materials.

- *Office Technician (OT) – Cashiering* – This OT vacancy was filled by Yee Her effective December 16, 2015. Ms. Her transferred to the Board from the Department of Public Health. Ms. Her will perform the duties as an Applications cashier for the Board and is responsible for replacement certifications.

- *Office Technician (OT) – Cashiering* – Jared Washington was hired to fill the OT vacancy in the Cashiering Unit effective January 4, 2016. Mr. Washington will perform the duties as an Applications cashier for the Board and is responsible for name changes.

- *Office Technician (OT) – Administration*- Antoinette Pannell accepted our offer of employment to perform as the Board's front office receptionist. Ms. Pannell's first day with the Board was January 4, 2016. In addition, she is the first line of contact for the public counter and will process initial licenses for the successful exam candidates.

Departures

Jason Glasspiegel worked as an Enforcement Analyst performing Applicant Background Investigations. Effective January 18, 2016, he accepted a promotion with the Board of Psychology as an Associate Governmental Program Analyst.

Crystal Martinez has accepted a promotion to a Staff Services Analyst with the Board of Psychology effective February 11, 2016. Ms. Martinez was an Office Technician with the Board functioning as the Fingerprint Technician.

Vacancies

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

- *Staff Services Analsyt (SSA) – Enforcement (fill behind J. Glasspiegel)* - The Request for Position Action (RPA) was approved to fill this vacancy by the Office of Human Resources. The Enforcement manager is in the process of reviewing the hiring applications. Interviews will be scheduled in the next couple of weeks.

- *Management Services Technician (MST) – Examination (new position)* - The Request for Position Action (RPA) was submitted to the Office of Human Resources (OHR) 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) – Enforcement (fill behind C. Martinez)* - The Request for Position Action (RPA) will be submitted early next week to the Office of Human Resources (OHR) for review and approval to fill this vacancy.

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Memo

To:	Board Members	**Date:**	February 16, 2016
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**Sunset Review Update**		

On December 1, 2015, the Board submitted its Sunset Review Report to the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions. The Sunset Review Report is available on the Board's website.

On March 14, 2016, the Board Chair, Vice Chair, and Board staff will attend the Sunset Review Oversight Hearing. The hearing will begin at 9 am at the State Capitol in rooms 4202 and 4203. The Board will be one of six entities participating in the hearing. During the hearing the Board will respond to questions and/or issues from the Committee. These hearings are public and any interested party may attend.

Two weeks prior to the hearing, the Background Paper prepared by Committee staff will be published on the sites listed below. The Background Paper provides a summary of the Board's report, information concerning the issues raised in past and/or current Sunset Review Reports, and Committee staff's recommendations.

http://sbp.senate.ca.gove/informationalhearingagendaandbackground

http://abp.assembly.ca.gov/jointsunsethearings

Upon conclusion of the hearing, the Board will have 30 days to submit a written response to all of the issues and recommendations raised by Committee staff in the Background Paper or during the hearing.

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Board of Behavioral Sciences

Memo

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To:	Board Members	**Date:**	February 12, 2016
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7847
Subject:	**Strategic Plan Update**		

Management and staff continue to address the strategic goals and objectives. Attached for your review is the Strategic Plan update for February 2016.

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Licensing ***Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.***	**DUE DATE**	**STATUS**
1.1 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 Complete the processing of Licensed Professional Clinical Counselor grandfathered licensing application.	**Q1 2014**	Completed October 1, 2013
1.3 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**	Completed. SB 620, the “Buckets” legislation, was signed by the Governor in September 2015.
1.4 Explore development of uniform clinical supervision standards to ensure consistent supervision of registrants and trainees.	**Q4 2015**	Committee met on February 5, 2016 to discuss draft language for LMFTs and other topics. Next meeting is April 29, 2016.
1.5 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 Determine feasibility of license portability and pursue legislation if needed.	**Q3 2020**	Effective January 1, 2016 implemented use of national exam for LCSWs and revisions to modify the out-of-state requirements for LMFTs and LPCCs.

1.7 Establish ongoing process to evaluate requirements for all license types to promote parity between licensing programs as appropriate.	**Q4 2016**	Staff effort continues. The Supervision Committee continues to discuss revisions to supervisor qualifications and is working toward parity where appropriate.
1.8 Evaluate the feasibility of online application submission through the Breeze system and implement if possible.	**Q2 2016**	The Board now has three transactions available on Breeze: renewals, address changes and replacement documents. The Board continues to explore the future use of the online capabilities.

Examinations ***Administer fair, valid, comprehensive, and relevant licensing examinations.***	**DUE DATE**	**STATUS**
2.1 Implement recommendations made by the Exam Program Review Committee to restructure the examination process and promulgate regulations as necessary.	**Q1 2016**	Completed. Exam Restructure implemented on January 1, 2016.
2.2 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 Create a process for evaluating the performance of Subject Matter Experts assisting with exam development.	**Q4 2015**	Staff is collaborating with OPES to develop an method of evaluation.

Enforcement ***Protect the health and safety of consumers through the enforcement of laws and regulations.***	**DUE DATE**	**STATUS**
3.1 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 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. Second training will occur in 2016.
3.3 Improve internal process to regularly consult with the Attorney General's office to advance pending disciplinary cases.	**Q4 2014**	Staff effort continues.
3.4 Establish uniform standards and templates for reports and evaluations submitted to the Board related to disciplinary matters.	**Q2 2015**	Committee met on January 8, 2016. Board staff developed draft documents to present to the full Board at March 2016 meeting.
3.5 Create a process for evaluating the performance of Subject Matter Experts assisting on enforcement cases.	**Q2 2015**	Completed May 2015.
3.6 Identify and implement improvements to the investigation process to decrease enforcement processing times.	**Q1 2015**	Staff effort continues.

Legislation and Regulation ***Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.***	**DUE DATE**	**STATUS**
4.1 Adopt regulations to incorporate Uniform Standards for Substance Abusing Licensees to align with other healing arts boards.	**Q2 2015**	Complete October 1, 2015
4.2 Modify regulations to shift oversight of continuing education providers to Approval Agencies.	**Q4 2014**	Completed January 1, 2015
4.3 Pursue legislation to implement the recommendations of the Out of State Education Review Committee to ensure parity with California educational requirements.	**Q4 2014**	Complete. Legislation become effective 1/1/16.
4.4 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**	Complete. Legislation becameeffective on 1/1/15.
4.5 Review regulatory parameters for exempt settings and modify, if necessary, to ensure adequate public protection.	**Q4 2017**	

Organizational Effectiveness ***Build an excellent organization through proper Board governance, effective leadership, and responsible management.***	**DUE DATE**	**STATUS**
5.1 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. BCP for 2016/2017 for additional staff is included in the Governor's budget.
5.2 Evaluate internal procedures to identify areas for improvement to ensure prompt and efficient work processes.	**Q1 2016**	Staff effort continues.
5.3 Enhance Board employee recognition program to reward exceptional performance and service.	**Q4 2014**	Staff effort continues.
5.4 Implement an internal training and education program for all Board staff to enhance skills and abilities for professional development.	**Q3 2015**	
5.5 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 ***Engage stakeholders through continuous communication about the practice and regulation of the professions.***	**DUE DATE**	**STATUS**
6.1 Implement cost-effective ways to educate applicants and licensees on current requirements.	**Q1 2015**	Staff outreach efforts continue. Board launched Twitter and Facebook in order to keep applicants and licensees updated on Board activities and news.
6.2 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**	Three newsletters were published and distributed in 2015. Staff continues to review and revise Board website.
6.3 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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Memo

To:	Board Members	**Date:**	February 12, 2016
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Supervision Committee Update**		

The Supervision Committee held its ninth meeting on February 5, 2016 in southern California. The purpose of this memo is to provide an update on the topics discussed and informal decisions made by the Committee.

Informal Decisions

Informal decisions made by the Committee may change or evolve as we work through various issues. Upon completion of the Committee's work, proposed language will be presented to the Board for consideration, and will require the passage of both legislation and regulations in order to implement.

The majority of informal decisions made by the Supervision Committee to date have been incorporated into an initial draft of proposed language, which the Committee reviewed at the February 2016 meeting. The language addresses the following:

- Initial supervisor training – 15 hours for all professions
- Six (6) hours ongoing supervisor training for all professions every two years - may consist of professional development activities
- Require supervisors to notify the Board that they are supervising
- Require supervisors to perform a self-assessment of qualifications and provide a copy to the Board and to supervisees
- Auditing supervisors
- Make the definition of supervision consistent among the professions
- Require the supervisor to ensure that the amount of group supervision is appropriate to each supervisee's needs, considering eight (8) are allowed in the group

- Allow triadic supervision (two supervisees, one supervisor) in place of individual supervision
- Allow one-half hour increments of supervision to be counted toward experience hours (beyond the minimum required)
- Require applicants who have completed their experience hours to continue receiving one hour of supervision per week, per work setting
- Define parameters for acceptable documentation when a supervisor is deceased and an Experience Verification form had not yet been signed.

Topics Remaining

Due to time constraints, we have had to narrow down the subjects remaining to be addressed by the Supervision Committee. Some of the topics that are not strictly supervision-related will be addressed by other committees as indicated on the following page.

- Supervision via videoconferencing
- Methods of monitoring/evaluating the supervisee
- Addressing issues related to supervisee performance (plan for remediation)
- Supervisory Plan form
- Supervisors being reachable while supervisee is providing services
- Supervisor not signing for hours/one-week notice requirement
- Review BBS Unprofessional Conduct code sections pertaining to supervision
- More thorough requirements to become a supervisor for individuals on probation
- Offsite or Contract Supervisors:
    - Do the current requirements pertaining to offsite supervision adequately protect the supervisor, supervisee and client?
    - Should offsite supervision requirements be made consistent between license types, keeping in mind possible differences needed for MFT Trainees since they are still in school?

Employment/Employers - To be addressed by Exempt Setting Committee

- Temp agency employers
- Should an intern who is not gaining experience hours be permitted to work as an independent contractor?
- Intern/trainee “mills”
- Supervisors employed by or under administrative supervision of the person he or she is supervising (i.e., cases where the registrant is also the executive director of a nonprofit employing the supervisor)

Other Issues - To be addressed by the Policy and Advocacy Committee

- 6-year limit on age of experience hours
- 6-year limit on working in a private practice

Future Meeting Dates

April 29, 2016
June 9, 2016

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Memo

To: Board Members

Date: February 15, 2016

From: Steve Sodergren
Assistant Executive Officer

Telephone: (916) 574-7847

Subject: **Exam Restructure Update**

On January 1, 2016 the Board implemented changes to the examination process for the Licensed Marriage and Family Therapist (LMFT), Licensed Professional Clinical Counselor (LPCC) and Licensed Clinical Social Worker (LCSW) licensees. This change was initiated by the passing of SB 704 (Negrete McLeod, Chapter 387, Statutes of 2011). The Board requested and was granted multiple extensions to delay the implementation to strategically position the implementation period. At the time these extension were requested the Board was in the final implementation phase of a major computer system change (Breeze). These extensions ensured a more thorough approach in implementing the changes as well ensuring necessary resources were available for planning and outreach.

Implementation of the exam restructure required the creation of new exams and initiated a partnership between the Board and the Associations of Social Work Boards (ASWB). The Department of Consumer Affairs Office of Professional Examination Services (OPES) developed a Law & Ethics Examination for the LMFT, LCSW and LPCC licenses. They also developed the Clinical Examination for the LMFT license. For the Clinical Examination for LCSW the Board has entered into an agreement and now accepts the ASWB's Clinical Examination.

EXAM ELIGIBILITIES

The biggest effort, during the implementation period, has been in working to ensure that the correct exam candidate eligibility data is captured and sent to the testing vendors. Before the exam restructure the processes of transferring "eligibility data" was done automatically by the Breeze system. A staff member would review an application, approve a transaction and the system would transfer that candidate's information to the testing vendor. Now, because there is a different logic to the process, the transactions and rules that exist in the system do not match with the new exam process. Essentially, staff are having to use "workaround" procedures or different business processes in order to enable the use of the Breeze system until permanent changes are made to the Breeze system design.

This "workaround period" has made the business process a very manual process. Board staff has to review reports and spreadsheets in order to identify candidates who are eligible for examination. While this process is tedious, it has been effective. Before the implementation, the Board and Breeze team had worked to develop reports and minor system changes that would allow a more seamless transition. This effort has appeared to work. So far the Board has transferred eligibility data for approximately 2,500 candidates. While there have been some delays, the Board has worked with candidates to ensure that they are not adversely affected.

BREEZE SYSTEM CHANGES

Currently the Board is working with the DCA Breeze team to prepare the User Acceptance Testing (UAT) that is tentatively scheduled for April. The UAT will determine if the proposed revisions to the BreEZe system work as designed. Once UAT is complete the revisions will be incorporated into the BreEZe system through a scheduled release.

OUTREACH

In January the Board sent an information postcard to all LMFT, LCSW and LPCC registrants. The intent of the postcard was to notify the registrants of the exam restructure changes and to direct them to the resources on the BBS website. It was specifically concerned with notifying them that taking the California Law & Ethics Examination is now a requirement for registration renewal. (Attachment A)

EXAM CANDIDATES

During the month of January there have been approximately 235 candidates that have taken the California Law & Ethics exam and approximately 17 candidates that have taken the LMFT Clinical exam. The ASWB has administered approximately 2 LCSW Clinical exams. Based upon the volume of applications that have been received and the initial delay in sending eligibilities these numbers are expected to greatly increase in February.

BBS EXAM RESTRUCTURE?

What does exam restructure mean for me?

- New law requires all registrants to take the Law and Ethics Exam at least once during each renewal cycle until passed. The exam is no longer required for subsequent renewals once passed.
- If a registrant does not pass the exam during the renewal cycle, he/she may renew, but must take a 12-hour California Law and Ethics course before scheduling to take any future Law and Ethics Exams.

To find out more, visit our Examination News page at **www.bbs.ca.gov/exams/exam_news.shtml**.

The Law and Ethics Exam form can be found at **www.bbs.ca.gov/forms**.

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BBS

CALIFORNIA **BOARD OF BEHAVIORAL SCIENCES**

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Memo

To: Board Members **Date:** February 11, 2016

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

Subject: **Customer Survey**

Background

In April 2008 the Board began using a customer survey to learn about stakeholder's experiences with the Board. The data collected from the surveys, using a 1-5 rating, reflected the courtesy of the Board staff, accessibility, and overall satisfaction with the service.

General Customer Satisfaction Survey
Fiscal Year (FY) 07/08* - 10/11

During the past 12 months, how often have you contacted the BBS?	**Answer Options**	**Response Count**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	6 or more times	10	78	112	74
	1 - 5 times	93	610	647	489
	Total Respondents	106	820	735	601
Please rate the following:	**Answer Options**	**Rating Average** (1=Unacceptable, 5=Excellent)			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	BBS Staff Courtesy	4.1	4.1	3.9	3.8
	BBS Staff Accessibility	3.4	3.5	3.2	2.7
	Overall Satisfaction	3.6	3.6	3.4	3.0
Did you receive the service/assistance you needed as a result of your contact?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	68%	70%	65%	54%
Do you find the BBS' Web site useful?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	85%	83%	80%	72%

General Customer Satisfaction Survey Fiscal Year (FY) 07/08* - 10/11					
Do you receive the BBS' newsletter?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	47%	33%	26%	26%
Do you find the newsletter helpful and informative?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	72%	68%	58%	52%

****The first survey conducted by the Board was in April 2008.***

From 2008 to 2013, the Board noticed a decline in survey participants. From the fourth quarter in 2011 to third quarter in 2013, the total number of respondents dropped from 115 to 18. Board members began to question the value of the data from the survey. Further, in 2013, the Board was one of the first Boards to implement BreEZe. These factors led to the discontinuance of the existing customer survey in October 2013.

A New Customer Survey

The Board is now in a position to initiate a new customer survey. A link to the survey will be included on the Board's website as well as on all staff emails. Board staff is hopeful that distributing the survey in this manner will provide greater opportunity for increased responses.

Board staff created a draft survey which is attached for your review and consideration. The survey was developed through Survey Monkey. Survey Monkey also provides access to the results and allows for ease of tabulation.

Recommendation

Conduct an open discussion regarding whether or not the Board wishes to conduct a customer survey. If so, review and discuss the draft customer survey to identify any changes to the survey. Then direct staff to make the changes discussed and either implement the survey or bring the revised survey back to the Board at the next Board meeting.

BBS Customer Satisfaction Survey

How Are We Doing?

The Board of Behavioral Sciences (BBS) strives to provide you with the best possible service. Please help us by taking a few minutes to complete our brief customer satisfaction survey. You participation is appreciated

1. What is your relationship to BBS? (Check all that apply)

- ☐ I'm a consumer or member of the public
- ☐ I'm licensed by BBS
- ☐ I've applied to become registered or licensed
- ☐ I'm participating in examinations to become licensed
- ☐ I belong to an industry association, related to BBS
- ☐ I follow BBS on social media (e.g., Facebook, Twitter)
- ☐ I'm a government representative
- ☐ Other (please specify)

2. How often do you contact BBS?

- ○ Every day
- ○ Several times a week
- ○ About once a week
- ○ Several times a month
- ○ About once a month
- ○ Less than once a month

3. Which methods have you used to contact BBS? (Check all that apply)

- [ ] Email
- [ ] Internet website
- [ ] Letter (U.S. Mail, UPS, Fed/Ex, etc.)
- [ ] Public counter (in-person)
- [ ] Telephone
- [ ] Social media (e.g. Facebook, Twitter)
- [ ] Other (please specify)

4. What was your purpose for contacting BBS? (Check all that apply)

- [ ] Consumer issues/complaints
- [ ] License verification
- [ ] Address change
- [ ] Name change
- [ ] License renewal
- [ ] Application information/requirements
- [ ] Application deficiencies
- [ ] Application processing status
- [ ] Forms & Publications
- [ ] Supervised hours
- [ ] Examination questions
- [ ] Laws and regulations
- [ ] Criminal conviction review
- [ ] Fingerprints/Live Scan
- [ ] Probation (licensees & registrants only)

If Other, please explain

5. Based on your contact with BBS staff, please rate the following:

	Excellent	Good	Fair	Poor	Unacceptable	N/A
Courtesy	◯	◯	◯	◯	◯	◯
Professionalism	◯	◯	◯	◯	◯	◯
Knowledge	◯	◯	◯	◯	◯	◯
Understanding of your issue	◯	◯	◯	◯	◯	◯
Helpfulness	◯	◯	◯	◯	◯	◯
Accessibility	◯	◯	◯	◯	◯	◯
Responsiveness	◯	◯	◯	◯	◯	◯
Overall satisfaction	◯	◯	◯	◯	◯	◯

Additional comments or suggestions for improvement

6. Did you receive the service/assistance you needed as a result of your contact?

◯ Yes

◯ No

◯ N/A

7. Do you subscribe to BBS Email Alerts?

◯ Yes

◯ No

8. Have you used the BBS website?

◯ Yes

◯ No

9. How often do you use the website?

- ◯ Every day
- ◯ Several times a week
- ◯ About once a week
- ◯ Several times a month
- ◯ About once a month
- ◯ Less than once a month

10. What was your purpose for visiting the website? (Check all that apply)

- ☐ Consumer issues/complaints
- ☐ License verification
- ☐ License renewal
- ☐ License information/requirements
- ☐ Application processing status
- ☐ Forms & Publications
- ☐ Examination news/information
- ☐ Laws and regulations
- ☐ Board meetings/activity

If Other, please explain

11. Were you able to find the information that you were looking for?

- ◯ Yes
- ◯ No
- ◯ N/A
- ◯ If No, what were you looking for?

12. Based on your experience with the website, please rate the following:

	Excellent	Good	Fair	Poor	Unacceptable	N/A
Home page layout	◯	◯	◯	◯	◯	◯
Contact information	◯	◯	◯	◯	◯	◯
Content was informative	◯	◯	◯	◯	◯	◯
Information was current	◯	◯	◯	◯	◯	◯
Information was easy to find	◯	◯	◯	◯	◯	◯
Overall presentation	◯	◯	◯	◯	◯	◯

Additional comments or suggestions for improvement

13. Please rank how you would prefer to interact with BBS?

- Email
- Internet website
- Letter (U.S. Mail, UPS, Fed/Ex, etc.)
- Public counter (in-person)
- Telephone
- Social media (e.g. Facebook, Twitter)

14. General comments relating to customer service

BBS Customer Satisfaction Survey

Thank you!

15. Thank you for taking the time to give us your feedback. We appreciate your participation. If you would like to receive email updates on the Board's actions, please provide us with your email below. Also, you can follow us on Facebook and twitter.

Board of Behavioral Sciences

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Memo

To: Board Members

Date: January 22, 2016

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: **Proposed 2016 Omnibus Legislation**

Each year, the Board sponsors an omnibus bill, which makes minor, technical, or noncontroversial changes to Board licensing laws. These changes must be unopposed, and are meant to correct such things as spelling/grammatical errors, or inconsistent or confusing language.

The Board approved language for this year's omnibus bill at its November 2015 meeting.

Since that time, staff has identified two additional amendments that the Board may want to consider for this year's omnibus bill.

Amend BPC Section 4996.3(a)(4) – Fee for LCSW Clinical Exam

Background: This subsection sets the LCSW clinical exam fee at $100. However, the Board recently, via regulations, adopted the national Association of Social Work Boards Clinical Examination as the clinical exam. Because this is not a board-administered exam the Board does not have control over the exam fee.

Recommendation: Amend BPC Section 4996.3(a)(4) to clarify that the $100 fee refers to what the fee would be if the Board itself were administering the clinical exam. This amendment is similar to current LPCC law. For LPCCs, the Board has adopted a national exam as the clinical exam, however, language is still in place setting a fee should the Board ever choose to administer the clinical exam itself.

Amend BPC Sections 4980.78, 4980.79, 4980.81(a)(1) – Coursework Requirements for Out-of-State LMFT Applicants

Background: BPC Section 4980.81 specifies additional coursework requirements for out-of-state LMFT applicants.

One of the requirements of this section states that applicants must obtain a minimum of two semester units in diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, psychological testing, psychopharmacology, and promising mental health practices. It goes on to state that this must include at least one semester unit or 15 hours of instruction in psychological testing, and at least one semester unit or 15 hours of instruction in psychopharmacology.

The intent of this law is that applicants must obtain at least two semester units covering all of the specified topics, and that one semester unit must focus on psychological testing, and one semester unit must focus on psychopharmacology. This implies that an applicant will need more than two semester units to gain coverage of all of the topics that are required. However, way that the law is worded is causing confusion.

Recommendation: Amend 4980.81(a) to clarify that the one semester unit in psychological testing and the one semester unit in psychopharmacology are required in addition to the two semester units in diagnosis, assessment, prognosis, and treatment of mental disorders. Amend Sections 4980.78 and 4980.79 update subsection references due to this change.

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes to the proposed language, and submit to the Legislature for inclusion in the 2016 omnibus bill.

Attachments

Attachment A: Proposed language

ATTACHMENT A
PROPOSED AMENDMENTS

§4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF CALIFORNIA; EFFECTIVE JANUARY 1, 2016

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4980.72.

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

(1) The degree is obtained from a school, college, or university accredited by an accrediting agency that is recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an intern.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling, and an additional 75 hours of either face-to-face counseling or client-centered advocacy, or a combination of face-to-face counseling and client-centered advocacy.

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

(2) The applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph ~~(7)~~ (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability,

disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an intern.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph ~~(7)~~(8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed prior to registration as an intern.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.

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

§4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED OUTSIDE OF CALIFORNIA; EFFECTIVE JANUARY 1, 2016

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who hold a license as described in Section 4980.72.

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

(1) The degree is obtained from a school, college, or university accredited by an accrediting agency recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an intern.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester or 72 quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling, and an additional 75 hours of either face-to-face counseling or client-centered advocacy, or a combination of face-to-face counseling and client-centered advocacy.

(i) An out-of-state applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate it by obtaining 150 hours of face-to-face counseling, and an additional 75 hours of either face-to-face counseling or client-centered advocacy, or a combination of face-to-face counseling and client-centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an intern.

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

(2) An applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph ~~(7)~~(8) of subdivision (a) of Section 4980.81 that did not include instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and

dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an intern.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph ~~(7)~~(8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an intern.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction pertaining to the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

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

(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.

AMEND §4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS

This section applies to persons subject to Section 4980.78 or 4980.79, who apply for licensure or registration on or after January 2016.

(a) For purposes of Sections 4980.78 and 4980.79, an applicant shall meet all of the following educational requirements:

(1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, ~~psychological testing, psychopharmacology,~~ and promising mental health practices that are evaluated in peer reviewed literature. ~~This shall include at least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.~~

(2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.

~~(2)~~(3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:

(i) The effects of developmental issues on individuals, couples, and family relationships.

(ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.

(iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.

(B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.

~~(3)~~(4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

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

(ii) A minimum of 10 contact hours of coursework that includes all of the following:

(I) The assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(II) Aging and its biological, social, cognitive, and psychological aspects.

(III) Long-term care.

(IV) End-of-life and grief.

(iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iv) Cultural factors relevant to abuse of partners and family members.

(v) Childbirth, child rearing, parenting, and stepparenting.

(vi) Marriage, divorce, and blended families.

(vii) Poverty and deprivation.

(viii) Financial and social stress.

(ix) Effects of trauma.

(x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.

~~(4)~~(5) At least one semester unit, or 15 hours, of instruction in multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.

~~(5)~~(6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.

~~(6)~~(7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The following subjects shall be included in this coursework:

(A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph “cooccurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.

(B) Medical aspects of substance use disorders and cooccurring disorders.

(C) The effects of psychoactive drug use.

(D) Current theories of the etiology of substance abuse and addiction.

(E) The role of persons and systems that support or compound substance abuse and addiction.

(F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.

(G) Legal aspects of substance abuse.

(H) Populations at risk with regard to substance use disorders and cooccurring disorders.

(I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.

(J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.

(K) The prevention of substance use disorders and addiction.

~~(7)~~(8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:

(A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and licensing process.

AMEND §4996.3. LICENSING AND EXAM FEES; EFFECTIVE JANUARY 1, 2016

(a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars ($75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars ($75).

(3) The fee for application for examination eligibility shall be one hundred dollars ($100).

(4) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be one hundred dollars ($100). The fee for the California law and ethics examination shall be one hundred dollars ($100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars ($20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars ($155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars ($155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents ($77.50).

(9) The renewal delinquency fee shall be a maximum of seventy-five dollars ($75). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(12) The fee for issuance of a retired license shall be forty dollars ($40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall become operative on January 1, 2016.

Board of Behavioral Sciences

Memo

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To:	Board Members	**Date:**	February 16, 2016
From:	Marc Mason Administrative Manager	**Telephone:**	(916) 574-7828
Subject:	**LEP Exam Validation Report**		

Summary
The Board of Behavioral Sciences (Board) requested that the Department of Consumer Affairs' Office of Professional Examination Services (OPES) conduct an occupational analysis of Licensed Educational Psychologist practice in California. The purpose of the occupational analysis is to define practice for Licensed Educational Psychologists (LEP) in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The results of the occupational analysis provide the basis for the content of the LEP licensing examination in California.

Background
OPES test specialists began by researching the profession and conducting telephone interviews with nine LEPs who practiced in locations throughout California. The purpose of these interviews was to identify the tasks performed in LEP practice and the knowledge required to perform those tasks in a safe and competent manner. An initial focus group of licensees was held in April 2015 to review the results of the interviews and to identify changes and trends in LEP practice in California. A second focus group was held in June 2015 with additional LEP licensees to review and refine the task and knowledge statements derived from the interviews and initial focus group. Licensees in these focus groups also performed a preliminary linkage of the task and knowledge statements to ensure that all tasks had a related knowledge and all knowledge statements had a related task. New task and knowledge statements were created as a result of this process, and some statements were eliminated from the final list due to overlap and reconciliation.

Upon completion of the first two focus groups, OPES developed a three-part questionnaire to be completed by LEPs statewide. Development of the questionnaire included a pilot study which was conducted using a group of nine licensees. The participants' feedback was used to refine the questionnaire. The final questionnaire was prepared by OPES for administration in July and August 2015.

In the first part of the questionnaire, licensees were asked to provide demographic information relating to their work settings and practice. In the second part, the licensees were asked to rate specific job tasks in terms of frequency (i.e., how often the licensee performs the task in the

licensee's current practice) and importance (i.e., how important the task is to performance of the licensee's current practice). In the third part of the questionnaire, licensees were asked to rate specific knowledge statements in terms of how important that knowledge is to performance of their current practice.

In July 2015, the Board reached out to LEPs in California inviting them to complete the online questionnaire. The Board mailed notification letters to all LEP with active licenses in California (total of 1,330) inviting them to complete the questionnaire online. The Board also emailed notification messages to those licensees whose email addresses were available in the Board's database inviting them to complete the questionnaire. Two weeks after mailing the notification letter, the Board mailed a follow-up postcard and sent a follow-up email reminding the licensees to complete the survey. Additionally, the Board posted a link to the online occupational analysis questionnaire on the Board's Web site in August 2015.

A total of 245 (18%) LEPs responded by accessing the online survey. The final sample size included in the data analysis was 137, or 10% of the population that was invited to complete the questionnaire. This response rate (10%) reflects two adjustments. First, data from respondents who indicated they were not currently licensed and were not currently practicing as LEPs in California were excluded from the analysis. Second, data from respondents who failed to finish the survey were excluded from the analysis (i.e., did not provide ratings for tasks and knowledges).

OPES then performed data analyses of the task and knowledge ratings obtained from survey respondents. OPES combined the task frequency and importance ratings to derive an overall criticality index for each task statement. The mean importance rating was used as the criticality index for each knowledge statement.

The final focus group was conducted with LEPs in August 2015 to develop the new examination content outline. Licensees in the group evaluated the criticality indices in order to determine whether any task and knowledge statements should be excluded from the new examination content outline. Licensees also established the linkage between job tasks and knowledge statements, organized the task and knowledge statements into content areas, and evaluated and confirmed content area weights. The new examination content outline for the LEP Examination is structured into four content areas weighted by criticality relative to the other content areas.

The examination outline provides a description of the scope of practice for LEPs in California, and it also identifies the job tasks and knowledge critical to safe and effective LEP practice in California at the time of licensure. Additionally, the outline serves as a basis for developing a written examination for inclusion in the process of granting LEP licensure in California.

Board of Behavioral Sciences

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Memo

To: Board Members

Date: February 16, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **Association of Marriage and Family Therapist Regulatory Board Examination**

Background

During the 2015 February board meeting, an update regarding the Association of Marriage and Family Therapist Regulatory Examination (AMFTRB) was presented. The update summarized the assessment of the AMFTRB examination conducted by Applied Measurement Services (AMS) in 2011/2012. This assessment along with other factors, such as the paper/pencil administration of the AMFTRB examination, led to the Board decision in 2013 not to use the national examination for licensure in California.

During the February meeting, Board Members and stakeholders expressed an interest in exploring the possible use of the AMFTRB national examination for licensure in California.

AMFTRB Contact

Board staff recently contacted AMFTRB to inquire about the AMFTRB examination and its administration. Currently, the AMFTRB examination is a four hour examination that is offered for one week each month. The examination is administered via computer using testing sites throughout the country. Candidates receive their results within 20 business days following the close of the testing period that month. A candidate may only attempt the examination three times per year.

Annually, 4000 to 5000 candidates take the AMFTRB examination at a cost of $350. The passing rate for the examination ranges from 60% to 64%. Additionally, AMFTRB is planning to conduct their next practice analysis in 2017. The practice analysis will serve as the foundation for future examinations.

BBS Clinical Written Examination

Under the examination restructure, the BBS Clinical Written Examination is a four hour examination. The fee for this examination is $100. The examination is administered via computer allowing candidates to schedule their examination at testing sites throughout

California or out-of-state. The examination is offered Monday through Saturday except on major holidays. A candidate may retake the examination every 90 days. Candidates will typically receive their results upon the conclusion of their examination. However, with each new version of the examination, results are held until the Office of Professional Examination Services (OPES) has completed its analysis of the examination's performance. This analysis may take 4-6 weeks.

In fiscal year 2014/2015 the Board administered over 4000 LMFT Standard Written Examinations. The pass rate for examinations administered July 1, 2014 to December 31, 2014 was 73%. The pass rate for examinations administered January 1, 2015 to June 30, 2015 was 65%.

The Board's last Occupational Analysis (practice analysis) for Marriage and Family Therapists was in 2012. The next Occupational Analysis is tentatively scheduled for 2017.

Discussion

Now that California is using two national examinations for licensure, the question the Board frequently is asked, will California consider using the AMFTRB examination for licensure?

Currently, California is the only state that does not use the AMFTRB examination for licensure. Out-of-state applicants, who are licensed in another state, frequently express their frustration after learning he or she is required to take and pass two examinations for licensure; despite passing a national examination for licensure in another state.

California LMFTs are equally frustrated when applying for licensure in another state that uses the AMFTRB examination for licensure. If that state determines that the California examination is not equivalent to the AMFTRB exam, the California LMFT must take that exam and any additional examination required by that state.

License portability is frequently a featured topic on the agenda of professional association meetings. The Association of Social Work Boards, American Counseling Association, Association of State Counseling Boards, National Board of Certified Counselors, and AMFTRB have all engaged in discussions regarding license portability. Moreover, the Little Hoover Commission recently held the first of a series of meetings to discuss barriers to occupational licensure.

The use of a national examination for licensure is one method to improve portability across state lines. Yet, the decision to use a national examination should not be based solely on license portability. The Board must determine if the national examination meets prevailing testing standards and will assess a candidate's competency for practice in California.

Board staff does not have the expertise or is qualified to make this determination. The services of a psychometrician will be required. Therefore, the Board will seek the services of the Office of Professional Examination Services (OPES) or contract with an outside vendor with similar expertise.

It should be noted that the American Counseling Association reports that as of 2013, there were 58,007 Licensed Marriage and Family Therapists in the United States. As of June 30, 2013, the Board had 33,731 Licensed Marriage and Family Therapists. In 2013, 58% of the

total LMFT population in the United States was licensed in California. As of February 1, 2016, California's LMFT population has grown to 39,721.

Recommendation

Conduct an open discussion as to whether or not the Board is interested in considering using the AMFTRB examination for licensure. If so, direct staff to initiate the steps necessary to assess the AMFTRB examination as a licensure examination for California.

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Memo

To: Board Members **Date:** February 11, 2016

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

Subject: **Proposed Regulations: Additional Examination Time for English as a Second Language Applicants**

Background

At its November 20, 2015 meeting, the Board approved regulatory language that would allow additional examination time to be granted to applicants who speak English as a second language (ESL), if they meet certain specified criteria.

The Board directed staff to start the process of pursuing the regulatory proposal.

The proposal's 45-day public comment period ended on February 15, 2016, and the public hearing was conducted on February 16, 2016.

The Board received three comments on the regulatory proposal. One comment asked a specific question, and the other was a positive comment in favor of the proposal, and one expressed a concern about use of the TOEFL score to measure English proficiency.

Summary of Comments Received and Proposed Responses

1. **Email from Keiko Fukue dated January 6, 2016**

   Summary: Ms. Fukue is wondering which of the three options she should use to attempt to qualify for additional time. She was wondering if she could qualify by documenting that her master's program had granted her an ESL accommodation, however she notes that she did not have an additional time allowance from her program. In a subsequent phone conversation with Ms. Fukue, staff learned that the master's program allowed her to bring a translation machine to the exam.

Response: The language in the proposed regulation allows the Board discretion in deciding if the ESL accommodation from the Master's degree program qualifies the applicant for additional examination time from the Board. If the proposed regulations are adopted, Ms. Fukue should submit the documentation of the allowance from the Master's degree program to the Board for consideration.

2. **Letter from Laura F. Wilson dated January 29, 2016**

Summary: Ms. Wilson notes that she has had difficulty passing the Board's Standard Written exam due to not having enough time to read the questions. She believes the proposed time extension for ESL applicants would make a positive difference.

Response: No response to this comment is necessary, as it is in support of the proposal

3. **Letter from Maria Cecilia Pinhel received February 12, 2016**

Summary: Ms. Pinhel expresses that she is concerned about the regulation's use of the TOEFL score as the basis for determining English proficiency. She notes the following:

- The TOEFL exam is commonly used to assist universities whether an ESL student has sufficient English skills to comprehend course content;
- The cost of the TOEFL test is expensive, at $209;
- She is concerned that while TOEFL scores are based on four criteria (reading, listening, speaking and writing), the MFT written exam only measures reading and comprehension, and therefore a TOEFL score may not accurately reflect reading and comprehension ability.
- She notes that TOEFL questions are based on comprehension with no abstract reasoning, while the MFT exam questions incorporate double negatives and are more complex.

She recommends utilizing the criteria for ESL candidates that were in place from 2000 to 2011.

Response: In its research and consideration of the proposed regulations, the Board recognized that due to cost and other considerations, the TOEFL exam may not be an ideal option for all candidates. Therefore, the Board also established two additional pathways by which an applicant may demonstrate need for an ESL accommodation. Under the regulation proposal, applicant may document that his or her qualifying master's degree program had granted extra exam time or other allowance due to speaking English as a second language, or he or she may show documentation that the degree was obtained from a program outside of the United States and that coursework was presented primarily in a language other than English.

The Board's previous ESL accommodation allowance was a policy based on a case-by-case basis and was not in statute or regulation. The Board asked the applicant to submit verification of initial immigration into the United States, and then the determination was made on a case-by-case basis. However, this method can be problematic, because length of time in the U.S. is not necessarily an indication of English proficiency in every case. For example, a long-time U.S. resident may primarily speak a language other than English, or a recent U.S. immigrant may already speak English as his or her primary language.

The Board believes the proposed regulation best provides a fair and consistent way to measure the need for extra exam time due to limited English proficiency.

Recommendation

Review and conduct an open discussion regarding the public comments received and staff's proposed responses. Direct staff to make any discussed changes, and any nonsubstantive changes, and complete the regulatory process.

Attachments

Attachment A: Board-Approved Language: Additional Examination Time for English as a Second Language

Attachment B: Email from Keiko Fukue dated January 6, 2016

Attachment C: Letter from Laura F. Wilson dated January 29, 2016

Attachment D: Letter from Maria Cecilia Pinhel; February 12, 2016

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Attachment A
Proposed Language
Additional Examination Time for English as a Second Language

§ 1805.2. ADDITIONAL EXAMINATION TIME: ENGLISH AS A SECOND LANGUAGE

The board, in its sole discretion, may grant additional 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 additional examination time or other allowance due to speaking English as a second language 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 option 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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From: Keiko Fukue
To: Helms, Rosanne@DCA
Subject: Regarding pending Regulation for English as a Secound language : additional exam time
Date: Wednesday, January 06, 2016 10:38:03 AM

Hi, Rosanne

My name is Keiko Fukue who called and left a voice message to you earlier.

I have few questions about additional exam time for LCSW.

I understand I need to provide one of the following: 1. TOEFL score, 2.Documentation from the Qualifying Master's degree program that it had granted additional exam time or other allowance due to English as a second language, 3. Documentation from a foreign Qualifying Master's degree program.

No3 is not my situation because I received the MSW from a school in the US.
No1 I am able to take the TOEFL test but when do I have to turn in the score by? The test will be provided only few times in a month and the test score will be given 13days after taking the TOEFL test. Also, the test will cost....
No2 I might be able to get the documentation from the school which I graduated. However, I never had additional exam time to complete the tests while I was in school but if you can suggest what is other allowance you are looking for I might be able to get the documentation.

I really would like to have extra time to complete the LCSW exam due to need for extra time to interpret the exam questions and answers.
If I am able to get this qualification for time and a half to complete the exam I will be able to pass.

I am looking forward to hearing from you.
Thank you for your time.

Sincerely,
Keiko Fukue

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January 29, 2016

Ms. Rosanne Helms
Board of Behavioral Science
1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834

Subject: Changes to Title 16

I have been living in the United States since 1997, and have taken my master's degree here with a 3.8 GPA. Although I have a good grasp of the English language it is still my second language. Therefore, I need more time to write and read in English than I do in Spanish, which is my first language.

On November 2015, I took the MFT Standard Written Examination at the Sacramento Test Center. I had studied all the pertinent material for seven weeks and felt fully prepared to pass.

After the first hour I felt was doing well, however, during the second hour I started to fall behind because of the many questions that were extremely long, and I noticed that it was taking me 2 minutes just to read each of these long questions! During the last hour I was completely stressed out, because I realized that I was not going to finish in the time given. The last 40 questions were answered in a rush, and felt I hadn't had time to read them well. When my time was up I still had 13 questions left unread. The Score Report indicated that my score was 99, and the passing score needed was 115 correct answers.

In my professional life as a working MFT Intern my understanding of the situations encountered and my client's needs has been excellent. Thus my true desire is to obtain my license to continue learning and serving the people in need. I simply feel the test as it stands is heavily biased in favor of native speakers due to the time restrictions.

The time extension you propose would make a positive difference. It would allow those of us speaking English as a second language to take the test in a more natural manner better reflecting our professional knowledge, and clinical judgment in a reasonable time frame.

Thank for your attention!

Sincerely,

Laura F. Wilson, IMF 91347

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To: BBS Board of Directors

First I want to thank you for your efforts to respond to my requests regarding consideration of additional examination time for English as a Second Language applicants. I am appreciative of your research and the careful process that led to your recommendations for regulatory change.

I am writing this letter to express my concerns about your recommendation for using the TOEFL score as a basis for English Proficiency. As most people know this test is intended to measure a narrow construct of academic English language proficiency. Therefore, the most common use of TOEFL scores is to assist in the admissions process to a university so that international students can be judged to see if they have sufficient English-language skills to take content courses.

I have failed the exam 4 times. In 2012 I missed by 6 questions because I didn't have time to read the last 25 questions and I just picked an answer. In 2013 I missed by 3, in a constant competition with the clock so I could finish the exam. In 2014 and 2015 I missed by 4 questions. The only year that I was able to take a bathroom break was in 2015 because I marked several questions in the beginning but then I was never able to go back and review any of my answers on the marked ones. I have spent a lot of money on different preparatory courses thinking that perhaps the problem was my lack of knowledge but when I compare the number of correct answers I had in each category they have not changed much, which gives me reassurance that my problem is the timing. On top of the cost of the prep courses, every time I have to apply for re-examination I am required to pay $100. The requirement to take the TOFL exam will add another $209, which makes my run to become a licensed MFT very expensive.

It also took me 4 years to get my Master's degree as an international student. It took me the entire 6 years allowed as a registered intern to finish the required 3000 hours of training. Adding the almost 5th year trying to pass the examination, and almost 3 years since I presented to the BBS Board my request to reinstate accommodation for ESL candidates, it feels like I am aging and will never become a LMFT, regardless of my efforts. Additionally, my level of stress and anxiety has gone up every time I have to take the exam again, which certainly interferes with my performance during the re-examination.

Additionally, the TOFL scores are rated on 4 criterions (reading, listening, speaking, and writing) and then averaged with a high score of 120. It would appear that the BBS is looking at an overall score of 85 as a basis for proficiency. My concern with this course of action is that the MFT Written Exam is simply reading and comprehending. As such, averaging out scores from writing, listening and speaking could easily push a student's average to 85. Furthermore, the primary use of the TOEFL test is to make decisions about students' readiness to study at English-medium educational institutions. As such, the Reading section (which would be the closest to the BBS exam) includes roughly 4

vignettes with 36 to 56 questions based on those vignettes, and a total of 60 to 80 minutes to answer all the questions in that section. Lastly their questions are comprehension where no abstract reasoning is necessary. The answers are found within the vignette. A sample of the reading questions can be found on the following link http://www.ets.org/toefl/ibt/prepare/test_questions.

In comparison, as of 2016 the BBS exam is a total of 1.5 hours for 75 questions in the Ethics and Law exam, which feels still tight in my opinion and four hours for 170 questions which feels a little more comfortable at this point. However these questions often incorporate double negatives and thus the difficulty related to syntactic complexity is compounded far more than the TOEFL is ever going to be as the questions in the BBS exam are multifaceted and the answers cannot be found in the narrative vignette.

I am therefore concerned that the requirements for deciding who is and is not in need of extra time for the BBS Written Exams seem to be flawed. I don't have another alternative to suggest but perhaps use the same criteria as when the accommodation was being allowed for ESL candidates between the years of 2000 and 2011.

Sincerely,

Maria Cecilia Pinhel
BBS File # 84919

Board of Behavioral Sciences

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Memo

To: Board Members **Date:** February 12, 2016

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**

Background

The Board Members review a number of disciplinary cases that may include psychological evaluations. The preparation and content of the psychological evaluation reports vary between the mental health professionals conducting the evaluation. Understandably, each psychological evaluation is unique. Yet, the Board Members expressed a strong desire for consistency in these evaluations. As a result, a Report Committee was established at the August 2015 Board meeting to review the Board's current process to develop uniform standards and/or templates for future psychological evaluations.

Report Committee Meeting

On January 8, 2016, the Report Committee met to discuss developing standards and templates for psychological evaluations submitted to the Board related to disciplinary matters. Board staff provided the committee an overview of the Board's current process to request a psychological evaluation. Board staff also explained the process for selecting a mental health professional for the evaluation and identified the relevant documentation provided to the mental health professional prior to the evaluation. Further, the committee reviewed the Board of Psychology's Guidelines for a Psychological Evaluation.

The committee considered all of the information presented and directed staff to develop the following.

- Guidelines for Psychological Evaluations
- Letter to the Mental Health Professional
- Letter to the Probationer

Recommendation

The draft documents are attached for your review and consideration. Board Members should review the attached draft documents to determine if any revisions are necessary. Upon

conclusion of the review and discussion regarding the implementation of these documents, direct staff to make the revisions discussed and implement use of the new documents immediately.

Board of Behavioral Sciences

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

DRAFT

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; history and 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 **5** diagnosis or a specific statement that there is no diagnosis. This section often includes the presence or absence of denial as a mechanism.

XIII. **Collateral Contacts** – This section usually includes consultation with mental health or medical providers, employment supervisors, rehabilitation or relapse prevention coordinators or others involved in person's mental, physical or employment history.

XIIII. **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.

XV. **Conclusions and Narrative Summary.**

XVI. **Release of Report:** Indicate whether you authorize the release of the report to the licensee. If you determine the report should **not** be released, explain the reason(s) why.

ADDITIONAL REQUIREMENTS:

- Answer the question: Is subject's ability to practice psychotherapy 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 allegation(s).
- 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.

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

DRAFT

February 11, 2016

NAME
ADDRESS
CITY STATE ZIP

RE: Notification of Name of Board Selected Psychological Evaluator

Dear NAME:

The Board has selected and confirmed the following psychologist to perform the psychological evaluation required by the terms and conditions of your probation:

(Dr.'s name, address, and telephone number)

Please contact DR. NAME immediately upon receipt of this notice to confirm a time and date(s) for the evaluation. Y*ou are required to pay for the cost of the evaluation. Failure to pay for the report in the manner requested by the evaluator constitutes a violation of probation.* Concurrent with this notification to you, we are forwarding pertinent background information on your case to this evaluator. **Upon request from DR. NAME you are required to provide all releases necessary for collateral contact with individuals as may be required.**

Enclosed are the following documents:

1. Instruction sheet for Probationer Psychological/Psychiatric Evaluation.
2. Authorization for Release of Information Form.

IT IS YOUR RESPONSIBILITY TO REVIEW THE INSTRUCTION SHEET TO PROBATIONERS AND TO COMPLY WITH ALL REQUIREMENTS SET FORTH. If you have any questions, please contact me at (916) 574-7849.

Sincerely,

Julie McAuliffe
Probation Analyst

Enclosures

cc: DR. NAME Ph.D., Evaluator

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

DRAFT

February 11, 2016

NAME
ADDRES
CITY STATE ZIP

RE: PROBATIONER - Psychological Evaluation

Dear NAME:

Pursuant to our communication, you have agreed to perform a psychological evaluation of PROBATIONER as a requirement of the Stipulated Settlement Disciplinary Order. You stated that you have had no previous business, professional, personal or other relationship with PROBATIONER.

I have enclosed a copy of the relevant documents in this matter. PROBATIONER will be contacting you to schedule the evaluation. Please keep in mind that the evaluation must include a current DSM diagnosis (if deemed necessary) and a written report regarding the respondent's judgment and/or ability to function independently as a LICENSE TYPE with safety to the public. In addition, be aware you may not provide recommendations that eliminate or reduce the frequency of existing terms and conditions.

I have enclosed a Conflict of Interest form. Please return this form to me, along with your report, when completed. Additionally, the Board's Guidelines for Psychological Evaluation are enclosed. These guidelines identify the components, if applicable, to be included in the report. If you have any questions regarding this information, please contact me at (916) 574-7849.

Sincerely,

Julie McAuliffe
Probation Analyst

Enclosures: (*examples*)

- Accusation/Stipulated Settlement
- Police Report(s)
- Court Documents
- Investigative Report

- Letter(s) from Respondent
- Conflict of Interest Form
- Letter to Respondent
- Guidelines for Psychological Evaluation

Board of Behavioral Sciences

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Memo

To: Board Members

Date: February 11, 2016

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: **Legislative Update**

Board staff is currently pursuing the following legislative proposals:

1. **AB 1917 (Obernolte): Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants**

   This bill proposes modifications to the education required to become an LPCC or an LMFT as follows:

   1. It amends the coursework and practicum required of LPCC applicants in order to ensure that the degree was designed to qualify the applicant to practice professional clinical counseling.

   2. It amends the law to define education gained out-of-state based on the location of the school, instead of based on the residence of the applicant.

   This bill proposal was approved by the Board at its November 20, 2015 meeting.

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

   This bill proposal, approved by the Board at its November 20, 2015 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

   The proposal to change the marriage and family therapist and professional clinical counselor “intern” title to “associate,” also approved by the Board at its November 20, 2015 meeting, may also be included in the omnibus bill. The Senate Business, Professions, and Economic Development Committee is in the process of considering this proposal.

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Memo

To:	Board Members	**Date:**	February 12, 2016
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Rulemaking Update**		

APPROVED REGULATIONS

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

These regulations were approved by the Secretary of State on December 30, 2015 and took effect January 1, 2016.

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.

These regulations were approved by the Secretary of State on November 30, 2015 and took effect January 1, 2016.

[1] Chapter 387, Statutes of 2011

CURRENT REGULATORY PROPOSALS

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. It was published in the California Regulatory Notice Register on July 10, 2015. The 45-day public comment period has ended, and the public hearing was held on August 25, 2015. In response to comments received, modifications were made to the proposal and the 15-day public comment period ended on September 24, 2015. This proposal is currently under review by the Department of Consumer Affairs.

English as a Second Language: Additional Examination Time: Add Title 16, CCR Section 1805.2

This proposal would allow the Board to grant time-and-a-half (1.5x) on a Board-administered examination to an English as a second language (ESL) applicant, if the applicant meets specific criteria demonstrating limited English proficiency.

The final proposal was approved by the Board at its meeting in November 2015. It was published in the California Regulatory Notice Register on January 1, 2016. The 45-day public comment period has ended, and the public hearing was held on February 15, 2016.

Board of Behavioral Sciences

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Memo

To: Board Members

Date: February 11, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **August Board Meeting Date**

Currently the August Board Meeting is scheduled for August 24-26, 2016 (Wednesday to Friday) in Sacramento, California. Recently, some Board Members have expressed concerns regarding this date due to work commitments.

As an alternative, the following dates are suggested. The meeting location will not change.

- August 17-19, 2016
- September 7-9, 2016

This meeting is scheduled for three days with the first two days for disciplinary hearings. If the Board receives less than 5 petitioner requests, the first day of the meeting (Wednesday) will be canceled.

Recommendation

Board Members should discuss and determine whether or not the current August meeting date should be rescheduled for another date.

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