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**To:** Board Members

**Date:** October 31, 2016

**From:** Christy Berger  
Regulatory Analyst

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

**Subject: Proposed Regulation Changes**

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Staff has identified a number of changes necessary to Title 16, Division 18, California Code of Regulations (CCR), as follows:

1. **Amend Sections 1804, 1805 and 1806; Add Section 1806.01:** These items are being deferred to a future meeting.
  
2. **Amend Section 1805.1 – “Permit” (Application) Processing Times:** This proposal would amend the regulation that sets forth minimum and maximum application processing time frames, and which also purport to state the “actual” processing times based on the prior two years. The amendments would do the following:
  - Delete an outdated reference to the “Permit Reform Act of 1981”.
  - Update the types of applications appearing under the “Program” column.
  - Modify the “Maximum time for notifying that an application is complete or deficient” to reflect the Board’s currently advertised processing times shown in **Attachment A**, which are in line with goals set by management. Staff has been able to meet these goals consistently over the past 18 months.
  - Delete the column labeled “Maximum time after receipt of a complete application to issue or deny a license or a registration.” It is challenging to set accurate time frames in this category for the following reasons:

- An individual may have a “complete application” for licensure, but not have passed the examinations. The Board has little to no impact on the length of time it takes to pass an exam.
  - Processing follow-up documentation to complete a licensing application is a high priority for staff and rarely takes more than 30 days. The problem is that this category also encompasses enforcement reviews (criminal convictions or discipline), which can take 4 to 6 months. Providing a single time frame for this category does not provide useful information.
  - Delete the column labeled “Actual processing times based on prior two years.”  
Due to workload constraints, the “actual” processing times listed are typically outdated, as updates require running a regulation proposal. The Board’s website provides information that is much more current and useful (see **Attachment A**).
- 3. Amend Section 1811 - Advertising:** Effective January 1, 2018, the titles “MFT Intern” and “PCC Intern” will be replaced by “Associate MFT” and “Associate PCC” (*per SB 1478, Chapter 489, Statutes of 2016*). This proposal would add the use of “Registered Associate Marriage and Family Therapist” or “Registered Associate Professional Clinical Counselor” to the list of acceptable titles when advertising. It sunsets the use of the term “intern” on December 31, 2018, which will provide time for registrants to use their existing stock of business cards and other advertising-related materials that use the term “intern”.

### **Recommendation**

Conduct an open discussion about the proposed language shown in **Attachment B**; direct staff to make any discussed changes, and any non-substantive changes, and pursue as one or more regulatory proposals.

**Attachment A:** Application Processing Times – BBS website

**Attachment B:** Proposed Regulatory Language

**ATTACHMENT A**

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## Application Processing Times

Processing times are based on the date the Board receives the application. The Board is unable to respond to status checks, if the minimum processing time has not elapsed. Applicants who have not received correspondence within the processing times stated below, should refer to the Board's [Contact Us](#) page to submit an inquiry.

The Board recommends to applicants seeking verify that the Board has received documents and/or payments, to mail these items with a tracking number, or delivery confirmation method. Applicants may also verify payment processing through their financial institution.

### PLEASE ALLOW A MINIMUM OF 30 BUSINESS DAYS FOR PROCESSING FOLLOWING APPLICATIONS:

IMF/ASW/PCCI Registration Applications (includes IMF/PCCI In-State and Out-of-State)

**Applicants may verify registration issuance by using [Breeze License Verification](#) to look up their information. The certificate should arrive by mail within 2-3 weeks of issuance.**

IMF/ASW Subsequent Registration Applications

LMFT/LCSW/LPCC Request for Initial License Issuance

**Applicants may verify registration issuance by using [Breeze License Verification](#) to look up their information. The certificate should arrive by mail within 4-6 weeks of issuance.**

### PLEASE ALLOW A MINIMUM OF 60 BUSINESS DAYS FOR PROCESSING THE FOLLOWING APPLICATIONS:

LCSW Examination Eligibility Application Packet\*

LMFT Application for Licensure and Examination In-State and Out-of-State)\*

LPCC Application for Licensure and Examination In-State and Out-of-State)\*

Registrant Request for Initial Law and Ethics Exam (all license types)\*\*

LMFT Request for Initial Clinical Exam\*\*

Request for Re-Examination\*\*

(\*) Applicants will receive correspondence by mail, regarding the evaluation of supervised experience.

(\*\*) Applicants will be notified by email, when PSI receives eligibility information. PSI will also send a candidate handbook.

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## Attachment B Proposed Regulatory Language

### §1805.1. PERMIT APPLICATION PROCESSING TIMES

"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Maximum application Processing times for the board's various programs are set forth below. The actual processing times reflect the period from the date the board receives an application to the date a license or registration is issued, and apply to those persons who take and pass the first actual available examination. Processing times are based on the date the Board receives the application.

<i>PROGRAM</i>	Maximum time for notifying that application is complete or deficient	Maximum time after receipt of a complete application to issue or deny license or registration	ACTUAL PROCESSING TIMES BASED ON PRIOR TWO YEARS		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
<u>Associate Professional Clinical Counselor Registration</u>	<u>30 business days</u>				
<u>LPCC Application for Licensure</u>	<u>60 business days</u>				
<u>MFT Intern Associate Marriage and Family Therapist Registration</u>	<u>60 30 business days</u>	<u>30 days</u>	15	100	186
<u>MFT License Application for Licensure</u>	<u>90 60 business days</u>	<u>120 days</u>	104	182	260
<u>LCSW Associate Clinical Social Worker Registration</u>	<u>60 30 business days</u>	<u>30 days</u>	15	53	90
<u>LCSW License Application for Licensure</u>	<u>90 60 business days</u>	<u>120 days</u>	104	178	253
<u>LEP License Examination Eligibility Application</u>	<u>90 60 business days</u>	<u>120 days</u>	98	179	260
<u>CE Provider Approval</u>	<u>30 days</u>	<u>30 days</u>	n/a	n/a	n/a
<u>MFT Referral Service Registration</u>	<u>30 business days</u>	<u>30 days</u>	n/a	n/a	n/a
<u>Initial License Issuance</u>	<u>30 business days</u>				
<u>All Renewals</u>	<u>30 business days</u>	<u>60 days</u>	28	42	56

*Note: Authority Cited: Sections ~~650.4~~, 4980.60 and 4990.20, Business and Professions Code.  
Reference: ~~Section 15376, Government Code~~ 650.4, 4980.40, 4980.44, 4989.20, 4996.2, 4996.18, 4999.42 and 4999.46, Business and Professions Code.*

## **§1811. ADVERTISING**

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

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

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

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

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) (i) Marriage and Family Therapist Registered Intern or MFT Registered Intern. The abbreviation "MFTI" shall not be used in an advertisement unless the title "marriage and family therapist registered intern" appears in the advertisement. This provision shall expire on December 31, 2018

(ii) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title "registered associate marriage and family therapist" appears in the advertisement.

(E) Registered Associate Clinical Social Worker or Registered Associate CSW. The abbreviation "ASW" shall not be used in an advertisement unless the title "registered associate clinical social worker" appears in the advertisement.

(F) Registered MFT Referral Service.

(G) Licensed Professional Clinical Counselor or LPCC.

(H) (i) Professional Clinical Counselor Registered Intern or PCC Registered

Intern. The abbreviation "PCCI" shall not be used in an advertisement unless the title "professional clinical counselor registered intern" appears in the advertisement. This provision shall expire on December 31, 2018

(ii) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation "APCC" shall not be used in an advertisement unless the title "registered associate professional clinical counselor" appears in the advertisement.

(3) The license or registration number.

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

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

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

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

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

*Note: Authority cited: Sections ~~129.5, 137, 650.4, 651, 4980.60 and 4990.20~~, Business and Professions Code. Reference: Sections 137, 650.4, 651, 4980, 4980.09, 4980.44, 4996.18, 4999.12.5 and 4999.45, Business and Professions Code.*