

(approved February 20, 2003)

**BOARD OF BEHAVIORAL SCIENCES  
LICENSING COMMITTEE  
MEETING MINUTES**

**NOVEMBER 14, 2002**

**COUNTRY SUITES BY AYRES  
1945 EAST HOLT BLVD  
ONTARIO, CA**

**MEMBERS PRESENT**

Susan Ulevitch, LCSW Member, Committee Chair  
Mark Burdick, LEP Member  
Catherine Kay, Public Member  
Jane Nathanson, MFT Member

**MEMBERS ABSENT**

**STAFF PRESENT**

Sherry Mehl, Executive Officer  
Mary-Alice Coleman, Legal Counsel  
Julie McAuliffe, Administrative Analyst

**GUEST LIST ON FILE**

The meeting was called to order at approximately 9:05 a.m.

Ms. McAuliffe called the roll and a Committee was established.

**1. APPROVAL OF MINUTES**

MARK BURDICK MOVED, CATHERINE KAY SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE THE JULY 25, 2002 MINUTES.

**2. DISCUSSION AND POSSIBLE ACTION TO AMEND BUSINESS AND PROFESSIONS CODE SECTIONS 4980.43, 4996.21, AND 4996.23 REGARDING ACCEPTABLE SETTINGS FOR GAINING QUALIFYING EXPERIENCE TOWARD LICENSURE AS A MARRIAGE AND FAMILY THERAPIST AND LICENSED CLINICAL SOCIAL WORKER**

Ms. Mehl explained that this issue was discussed at the previous meeting. There has been testimony at past meetings in which persons have indicated that the Board has had to deny hours of experience because the experience was gained in a setting that was not identified in law. Several years ago specific

settings were added to the law and although Ms. Mehl was not with Board at that time, she thought that the Board and the professional associations had done these additions to ensure that individuals were gaining appropriate experience in appropriate settings. The Board has realized that although individuals are in these appropriate settings, they may not be gaining the proper experience. An additional problem arises when agencies contract with entities that are not acceptable settings. Staff reviewed the existing law to determine if additional settings could be added. We could add additional settings but it would still not ensure that the experience is appropriate.

The Committee first reviewed Business and Professions Code Section 4980.43 and discussed the simplification of the law to eliminate the specific settings and further clarify the experience required. Ms. Kay had several questions about how the language came to be as it currently reads and if everyone understands what mental health counseling and psychotherapy means.

Ms. Ulevitch asked that the license distinction appear at the top of all draft amendments to the laws and regulations submitted to Committees and the Board.

Mary-Alice Coleman, Legal Counsel for the Board, stated that since the Committee was discussing statutory amendments, they might want to deliberately have the language be fairly broad then the Board could delineate further in regulation.

Geraldine Esposito, Executive Director of the California Society for Clinical Social Work, clarified that she was present when the specific settings were added to the laws. The original concept during the writing of the licensure language was to exempt non-profit settings, particularly governmental settings, because of the assumption of institutional control. The difference with private practice settings is that there is no institutional control. It was felt that there was a need to protect the public from settings that did not have institutional control and that is why to this day a license is not required for employment in an exempt setting. We now are in a situation that has evolved tremendously in the past twenty years and the field has left us with restrictions on where individuals can gain appropriate experience. In the past her members had been happy to provide supervision and they now are refusing to do so because the regulations surrounding employing the supervisee and the tax issues around this prevent them from providing supervision. When she first reviewed the proposed amendments that provided more latitude, she was glad to see that the proposed changes included private practice. The most appropriate placement for an Associate Clinical Social Worker (ASW) who is intending on practicing clinical social work is a placement that practices clinical social work.

Ms. Kay asked Ms. Esposito what is an appropriate setting and what is not an appropriate setting. Ms. Esposito stated that she did not think that enumerating the settings was a good idea. It is difficult to identify settings by appropriateness because there are several variations. Dr. Burdick stated he appreciated the history on this issue. In summary, Ms. Ulevitch stated that it is combination of the kind of work that is being offered and the quality of the supervision that meets the standards for the profession.

Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists, stated that the history she remembers was the fact that private practice was restricted for independent licensed practitioners and was opened up to allow registered interns to be employed in this setting. The law was then amended in an attempt to create what was perceived to be a list of appropriate settings for intern and trainees. She indicated that the Association would support simplistic generic language that qualified numerous settings without having a complete list. She agreed with Ms. Esposito's comment

about the appropriateness and the non-appropriateness of the same setting. She stated that there is a way to refine the law in a way that is understandable to all so long as the experience required is clear. Ms. Mehl asked Ms. Riemersma if she thought that individuals understood the terms mental health counseling and psychotherapy. Ms. Riemersma responded by stating that the scope of practice should be reviewed and a determination should be made as to whether the services provided in the facility are consistent with the scope of practice.

Jan Lee Wong, Executive Director of the National Association of Social Workers, stated that it is important that the Board and Committee understand there is a distinction in the marriage and family therapist language that relates to trainees employed in private practice that does not apply to ASWs. He suggested that the language be amended to refer individuals to the scope of practice. He then indicated that that when language is drafted the Committee and Board needs to determine if they want a setting to have all components of the scope of practice or will settings that only have a few components be acceptable. There are complex issues, such as the change in settings and the current scope of practice, which must be resolved in order to accomplish the goal of allowing individuals to gain experience in various settings.

Ms. Mehl stated that she thought the goal should be to ensure that individuals are receiving the correct type of experience needed and are well informed on how to obtain the necessary experience. It is important to not mislead them into believing that everything they do right now will get them where they need to go. It is more of a clarification issue as well as a public protection issue.

The Committee further discussed this issue and received clarification that supervised experience is on an honor system and some supervisors have been assigned to provide supervision whether they want to or not. Additionally, Ms. Esposito suggested that the scope of practice be reviewed to ensure public protection. Ms. Riemersma encouraged retaining mental health counseling or psychotherapy in the draft language. She indicated that this language adds to the scope of practice. She did not think that the terms needed additional definition.

Ms. Nathanson stated that during her internship the scope of practice was very clear and where you gained that experience was up to the individual.

Dr. Burdick indicated that the Board is fairly well protected if they review the scope of practice and ensure that it provides a clear understanding of the services that can be provided to the public.

Board member Peter Manoleas stated that he thought that the scopes of practice were clear and should be referenced in the draft language.

Board member Karen Pines stated that as an educator she thought there were students and interns who may not be prepared to find the appropriate setting for gaining qualifying experience.

Ms. Mehl stated that any amendments to the statute should be simplistic and she thought that a series of regulation amendments could evolve out of these statute changes.

Ms. Riemersma clarified that schools are responsible for ensuring that the setting is appropriate and the experience will qualify toward licensure.

Board member Roberto Quiroz stated that his recollection of prior discussions on this issue included the focus to be that of scope of practice, the kind of experience, and the qualifications of supervisors.

The Committee determined to refer the draft language back to staff for further review and assigned Catherine Kay and Susan Ulevitch to meet with staff to assist in drafting further language to be reviewed at the February meeting.

The Committee then reviewed the proposed amendments to the LCSW law. The changes to 4996.21 and 4996.23 included directing persons to the correct regulation section that addresses mental health professions acceptable to the Board, increasing the number of experience hours an ASW can gain under the supervision of a discipline other than an Licensed Clinical Social Worker, clarifying that peer discussion is not supervision, taking out the current specific settings in which an ASW can gain experience toward licensure and further clarify the type of experience that is to be gained, taking out unnecessary language that relates to specific settings, allowing an ASW to obtain supervision from someone who is not employed by their employer regardless of if the ASW is volunteering or employed, and, in 4996.23, further clarifying the additional hour of supervision that is required for more than 10 hours of face to face client contact per week.

Ms. Kay asked if the Board was allowed to change the existing statute or if a new statute would need to be adopted. Ms. Mehl stated that that is a legal, technical issue and will be determined when the language is submitted to Legislative Counsel for drafting into bill language.

Ms. Coleman stated that if the Board were loosening the standard, it should not be a problem to amend the existing statute. If it were restricting the requirements then a new statute would need to be adopted.

The Committee discussed the issue of lessening the amount of hours that must be gained under the supervision of an LCSW. Ms. Mehl clarified that all supervisors, regardless of their discipline, are required to sign under penalty of perjury the Responsibility Statement for Supervisors of Associate Clinical Social Workers Form upon commencement of supervision. This form states, among other things, that the supervisor is aware of the laws and regulations that pertain to Licensed Clinical Social Work.

Ms. Esposito stated that she and Mr. Wong had discussed the supervision hours and felt that 1,700 hours of supervision should be under an LCSW and the remaining 1,500 hours could be gaining under another discipline acceptable to the Board. Ms. Esposito then stated that the Society supports allowing individuals to maximize the opportunities to obtain experience that qualifies for licensure. Ms. Ulevitch stated she supported that the larger amount of experience be gained under an LCSW.

The private practice issue was briefly discussed. The law is somewhat punitive to an ASW and Ms. Mehl explained the changes would allow an ASW to volunteer and obtain supervision from someone who is not employed by the employer.

Ms. Riemersma stated that she recognized the benefit of the changes and asked that the MFT law be amended to include the private practice issue in 4996.23.

**3. DISCUSSION AND POSSIBLE ACTION TO AMEND CALIFORNIA CODE OF REGULATIONS SECTIONS 1833.1 AND 1870 REGARDING THE REQUIREMENTS FOR SUPERVISORS OF MARRIAGE AND FAMILY THERAPIST INTERNS AND ASSOCIATE CLINICAL SOCIAL WORKERS**

Ms. Mehl explained the proposed amendments to Sections 1833.1 and 1870. Section 1833.1 changes included clarifying that a supervisor who has provided supervision for at least 2 of the last 5 years can meet this supervisor qualification, taking out the requirement that a supervisor average at least 5 patient/client contact hours per week, eliminating the specific settings in which a trainee or intern can gain experience and reference them to the section of law that will elaborate on the type of experience that must be gained, and allowing a trainee to submit the Responsibility Statement for Supervisors form upon application for licensure instead of upon application for registration as an intern.

Section 1870 changes included referencing the additional section of law that identifies the acceptable disciplines of supervisors, clarifying that a supervisor who has provided supervision for at least 2 of the last 5 years can meet this supervisor qualification, changing the requirements for submitting forms to the Board, and adding a clause that an associate will not be penalized for their supervisor's failure to comply with the required supervisor training.

Dr. Burdick asked that the Board consider including Licensed Educational Psychologists who are working inside their scope of practice outside of the school system as acceptable supervisors of ASWs and Interns. Ms. Mehl stated that this issue would need to be addressed in a separate agenda item. Dr. Burdick asked that it be included on the February agenda.

The final determination to all proposed changes to the laws and regulations were to review all sections with the assistance of Committee Chair Susan Ulevitch and Committee member Catherine Kay and bring these amendments back to the Committee for review at the February meeting.

The meeting was adjourned at approximately 10:50 a.m.