

**MEETING MINUTES**  
**Consumer Protection Committee**  
**July 20, 2007**

Department of Consumer Affairs  
1625 N. Market Blvd.  
El Dorado Room  
Sacramento, CA 95834

Members Present

Judy Johnson, Chair, LEP Member  
Elise Froistad MFT Member  
Howard Stein, Public Member

Members Absent

Joan Walmsley, LCSW Member  
Victor Perez, Public Member

Staff Present

Paul Riches, Executive Officer  
Mona Maggio, Assistant Executive Officer  
Kristy Schieldge, Legal Counsel  
Christy Berger, Legislation Analyst  
Cassandra Kearney, Regulatory Analyst  
Christina Kitamura, Administrative Assistant  
Steve Sodergren, Program Manager  
Sean O'Connor, Outreach Analyst  
Rosanna Webb-Flores, Enforcement Analyst  
Julie McAuliffe, Enforcement Analyst  
Pearl Yu, Enforcement Analyst  
Cheree Lasley, Enforcement Analyst  
Jason Reinhardt, Licensing/CE Technician  
Jessica Upadhye, ASW/LCSW Evaluator  
Michelle Eernisse, MFT Evaluator  
Teresa Malloy, ASW/LCSW Evaluator

Guest List

On File

**I. Introductions**

Judy Johnson, Committee Chair, called the meeting to order at 10:33 a.m. The Committee introduced themselves in place roll. A quorum was established. BBS staff, legal counsel, and audience also introduced themselves.

## **II. Review and Approve April 11, 2007 Consumer Protection Committee Meeting Minutes**

A correction was made on page two, fourth paragraph, 5<sup>th</sup> line. The year "2000" should be "2007."

HOWARD STEIN MOVED, ELISE FROISTAD SECONDED, AND THE COMMITTEE VOTED UNANIMOUSLY TO APPROVE THE APRIL 11, 2007 MEETING MINUTES AS AMENDED.

## **III. Review and Discussion of Disciplinary Guidelines**

Paul Riches, Executive Officer, gave a brief overview of the purposes of the Disciplinary Guidelines. At the May Board meeting, the Board asked the Consumer Protection Committee to review the current Disciplinary Guidelines and determine if the recommended penalties are appropriate for the violations and to suggest revisions where necessary.

Ms. Johnson further explained that at the last Board meeting, members have expressed that this needs to be investigated more thoroughly because of inconsistencies and concerns regarding disciplinary actions.

Geri Esposito, California Society for Clinical Social Work, expressed that this is an excellent idea and should be done periodically.

Ms. Johnson recommended a study group to look at the ethical and legal issues. She asked Elise Froistad, MFT member, to take part on the study group. Ms. Froistad accepted. Ms. Johnson also volunteered to be on the study group, and included Victor Perez, who is an attorney and can bring legal expertise to this matter.

## **IV. Review and Discussion of Supervision Rules for Associate Clinical Social Workers**

Christy Berger gave a brief background on this proposal, explaining that a number of laws apply regarding supervision when a Marriage and Family (MFT) Intern is working in a private practice setting, including: 1) Supervisors may not supervise more than two interns, and 2) The supervisor must be either employed by and practice at the same site as the interns employer or must be an owner or shareholder of the private practice.

Ms. Berger explained that there are differences between private practice settings and other types of settings. Though ASWs and MFT Interns have different content standards for registration and experience, the requirements for employment and supervision in a private practice setting should be similar. Additionally, differences regarding such requirements can be confusing for supervisors and registrants, especially considering that more people are supervising both ASWs and Interns.

Janlee Wong, National Association of Social Workers (NASW), expressed that this is not necessary. He asked for reasons why a private practitioner would only be allowed to supervise two interns at a time. Furthermore, a large problem would be created if supervisors were told where they could supervise. Mr. Wong asked for evidence or complaints to support this proposal. He added that supervision between the two

professions are not the same, and there is no good reason to make the language the same as MFT language.

Mary Riemersma, California Association of Marriage and Family Therapists, agreed that the professions are unique. However, there are supervisors who are supervising trainees for both professions, and it is confusing to both the supervisor and supervisees. This proposal makes it easier to comprehend requirements for both professions. Ms. Riemersma gave background regarding the limitation of having only two supervisees. She explained that it is only relevant to private practice. It originated many years ago in the MFT profession when licensed people were hiring many interns to work for them, and it created many problems. "Intern farms" were created, and interns were exploited. She supported this requirement as well with the requirement stating that trainees and interns may only performing services where their employers regularly conducts business since they are not yet licensed and should not be working independently.

Mr. Riches responded that complaints come from the supervisors. There is confusion regarding the requirements in the laws for supervision. The tangle of laws is a disincentive for a lot of professionals to provide supervision. There are also many complaints from students regarding the difficulty to get supervision. This will make supervision more available.

Ms. Johnson added that it is important to make it as efficient and as easy as possible for good supervisors to be able to get more people out in the workforce.

Mr. Wong stated that this is more government regulation over already existing regulation, taking away the responsibility of professionals to exercise their own judgment to use their own code of ethics. Over-regulation will reduce numbers of supervisors instead of increasing the numbers.

Ms. Riemersma stated that many supervisors are fearful of making a mistake and violating the licensing law and/or regulations of one of the professions for whom they are providing supervision. This change will lessen that fear of those people who are unwilling to take on supervision because if they violate the law, their own license is subject to disciplinary action.

Mr. Riches added that the intern and associates potentially have their experience put in peril due to that violation, as well.

Ms. Johnson stated that this is not over-regulation. It will allow for the ability within the guideline to have ethical freedom.

Ms. Berger provided clarification that the requirement would allow supervision for two ASWs and two IMFs.

ELISE FROISTAD MOVED, HOWARD STEIN SECONDED, AND THE COMMITTEE VOTED UNANIMOUSLY TO RECOMMEND THE PROPOSED LANGUAGE TO THE BOARD FOR REVIEW AND APPROVAL.

## **V. Review and Discussion of Requirements for Group Supervision**

Christy Berger gave a brief background on this proposal, explaining that for each week in which experience is gained, one unit of supervision is required. One unit of supervision is

equivalent to one hour of individual supervision or two hours of group supervision for ASWs, MFT Interns, and MFT Trainees. Group supervision is required to be conducted with no more than eight supervisees at one time.

Staff has become aware through telephone calls and licensure applications that people generally receive individual supervision in one-hour increments, but group supervision is often split up by the employer into more than one session. In a group of eight people, less than two continuous hours may not be enough for people working toward licensure to get the supervision they need in order to develop their skills and to ensure that the services they are providing to consumers are satisfactory.

Ms. Berger stated that staff has no way of knowing whether the 104 hours of group supervision is just an average over a one-year period, or if the person actually received two continuous hours every week. Staff believes that the intent of the law is for two continuous hours of group supervision, but the law is not clear in that regard. This proposal would clarify that.

Ms. Riemersma asked how splitting up two hours in the same week differs from receiving two continuous hours. Ms. Johnson stated that staff is trying to clarify the intent of the law, not stating that there is a problem with splitting up the hours.

Ms. Riemersma stated that it has been split up depending on the setting, addressing issue at the beginning of the week, and addressing issues at the end of the week.

Ms. Froistad stated that she has only known it to be two continuous hours, not split.

Paul Boatner, Southern California Seminary, stated that it depends on the setting.

Ms Esposito stated that two continuous hours could be problematic on some agencies due to their workloads and multiple supervisees. It would be easier to schedule it in one-hour increments. Case analysis in the same week continues from one-hour block to another one-hour block on a different day; it will not jeopardize a particular individuals needs for that week.

Sean O'Connor, Outreach Coordinator, stated that he has heard from a trainee that his agency was providing one hour of individual supervision and one hour of group supervision a week, which is wrong.

Mr. Stein agreed that the law needs to be clarified. He asked if there were regulations for this law.

Mr. Riches stated that there were regulations; however, staff is trying to get some clarity because there are many variations. There doesn't seem to be a problem with the practice of splitting up the hours within the week. Staff will go back and rework the language to reflect that, and bring it back to the Committee.

## **VI. Review of the Transnational Association of Christian Colleges and Schools Accreditation for Marriage and Family Therapist Licensure**

Mr. Riches reported that Bureau of Private Postsecondary and Vocational Education (BBPVE) and its laws became inoperable on July 1, 2007. The Board has approved emergency regulations that permit the board to accept degrees conferred by BBPVE-

approved programs for one year after this date. A number of other accrediting agencies exist that are approved through the U.S Department of Education or the Higher Education Accreditation (CHEA). These accrediting agencies are not recognized in current BBS law, and it is likely that a number of schools possess both BPPVE-approval and another type of accreditation.

Southern California Seminary is an example of a school both BPPVE-approved and accredited by the Transnational Association of Christian Colleges and Schools (TRACS). The Board has had a request from the Seminary to recognize "TRACS" accreditation in BBS law. Such recognition would alleviate concerns about BPPVE-approval for schools accredited by TRACS. Southern California Seminary was invited to address the Committee.

Paul Boatner, Executive Vice President of the Southern California Seminary (SCS), stated that TRACS is approved in the same manner in which a regional accrediting agency is approved.

Dr. Robert Fitzgerald, Executive Director of Transnational Association of Christian Colleges and Schools (TRACS), gave overview of TRACS. Both the U.S. Department of Education (USDOE) and the Council for Higher Education Accreditation (CHEA) recognize TRACS as an institutional accrediting agency. TRACS is also a member of the International Network for Quality Assurance Agencies in Higher Education (INQAAHE). TRACS' authority comes from USDOE. Their application procedures are rigorous. Every 5 years, they perform a self-study and appear before the national advisory committee under the Secretary of Education. The Secretary of Education reviews all accreditation agencies in the same manner. TRACS has divided its standards into two sections. First, the operational standards which are much like the regional standards but much more prescriptive. Second is the foundation standards, which are based on the religious philosophy of the institution.

Mr. Boatner asked the Committee at its meeting in April 2007, to accept "WASC accreditation or equivalent" or "accreditation approved by USDOE." This is the language used by the Board of Psychology. TRACS is an accredited institution and must go through the same process as all the other accrediting associations. WASC and TRACS have the same standards.

Barry Lord, Program Coordinator of SCS, stated that SCS looked carefully at the Board's standards and laws, and meet and exceed those standards in order to adhere to the accreditation standards.

Kristy Schieldge stated that issues regarding education and the successor agency are currently being debated in the Legislature, and there may be an avenue for these institutions to get approval through the successor agency. There are differences between the accrediting agencies. Ms. Schieldge recommended that the Board thoroughly review this before taking action, because there are differences to consider.

Ms. Johnson agreed to accept counsel's suggestion and directed staff to further investigate the California postsecondary education, and state licensure versus accreditation.

*The Committee adjourned for lunch at 11:55 a.m. and reconvened at 1:05 p.m.*

## VII. Discussion of Licensure for Child Welfare Staff

Ms. Berger reported that at its January 2006 meeting, the Consumer Protection Committee explored the different types of social work licensure offered in other states. After discussion and input from stakeholders, the Committee directed staff to conduct more research specifically on child welfare and elder care areas of licensure. Social work is very broad field that provides social workers with the possibility of entering many different types of jobs; many of those jobs are not clinical. However, many who enter or wish to enter these non-clinical jobs in California may find themselves needing to obtain a clinical license, the only type offered in California.

California's child welfare system, with 58 counties and a diverse population, is the largest in the nation and among the most complex. More than 700,000 children come into contact with California's child welfare system each year. The California Department of Social Services (CDSS) provides state oversight of the county child welfare agencies, who are in turn responsible for the following:

- Investigating reports of child abuse
- Screening and assessing families
- Providing case management and other services to help families stay together
- Placing and monitoring foster children
- Providing adoption services

Many complex laws affect the child welfare system. Additionally, families are coming into the child welfare system with more severe and complex problems than ever before. Some of the challenges that the agencies face are inflexible funding streams, lack of standardized practices and incompatible data systems.

The federal Administration for Children and Families conducted a performance review of California's child welfare system. At the time of the review, California failed all seven of the outcome measures pertaining to child safety, well-being and permanency. The state has made improvement since that time, and is now passing in four of seven outcome areas, while continuing to fail in the remaining three, one area in permanency, and two under well-being.

In response to the performance review results, the state took a number of actions including:

- Worked with the California Social Work Education Center (CalSWEC) to develop a "Common Core Curricula," a standardized training program required for all new child welfare workers and supervisors to develop the capacity of the workforce to use best practices. This Curricula was developed based on CalSWEC's "Curriculum Competencies for Public Child Welfare" for MSW students.
- Passed legislation requiring CDSS to work with a stakeholder's group charged with reviewing the state's child welfare system and recommending improvements.
- Initiated a pilot program with 11 counties to develop and test the implementation of key redesign strategies.
- Passed legislation requiring an outcomes-based accountability system which requires counties to submit self-assessments and system improvement plans to CDSS.

As of 2004, there were 7,400 child welfare social workers in California. Child welfare social workers are described as being highly skilled, flexible professionals working with

large caseloads and performing a variety of duties. These caseloads were typically comprised of families with multiple problems. Social workers often face many challenges to keep children safe and families together when appropriate.

CDSS regulations require qualifications for emergency response and family maintenance staff in county child welfare departments:

- At least 50% of professional staff possess a MSW or its equivalent in education and/or experience.
- 100% of supervisors of professional staff must possess a MSW or its equivalent in education and/or experience.
- Remaining professional staff must possess a BSW or its equivalent in education and/or experience.

Since child welfare social workers are employed by individual counties, any complaints regarding social workers are handled by the individual counties. Staff was unable to locate any data regarding child welfare social worker complaints.

It has been reported that “California has a severe shortage of social workers, with high vacancy rates in many county child welfare departments and no immediate pool of candidates to fill the empty slots. In some agencies, the shortage of social workers results in heavy caseloads, and sometimes affects morale and staff turnover.” Additionally, “A workload study commissioned by CDSS concluded that California’s county caseloads are twice the recommended levels in most categories, making it difficult for social workers to provide basic services or maintain meaningful contact with children and families.”

Ms. Johnson asked if other populous states are experiencing shortages and do they also have a non-clinical license for child welfare workers.

Ms. Berger responded that she would have to do more research to determine what other populous states are requiring for their child welfare workers. Many states have licensure for paraprofessionals and a non-clinical MSW level license.

Ms. Froistad stated that licensure would be beneficial. They are working with families and need to understand clinical implications when they’re deciding about family reunification or working with a child with psychological impairments; there needs to be education or proficiency in that area.

Ms. Esposito stated that the competencies contain a number of overlapping issues. The competencies prepare people to go into that system.

Ms. Johnson stated that there has to be an assumed competency in a clinical background. She recommended investigating if other states validate that through certification or an accreditation that does not quite have to aspire to the full competency of an LCSW.

Ms. Berger stated that there is a high hurdle to institute a new license in California.

Mr. Riches stated that the policy is to identify a public harm, and then assess whether that harm is of such a nature that a license can help remediate it.

Ms. Berger stated that an issue for consideration is if the Board required a license or certificate how would that affect the workforce shortages.

Mr. Wong stated that this is a complex issue. Not all child welfare workers are social workers; in fact, some child welfare workers may not have a college education. That happens in very small counties. There are MFTs who are child welfare workers; and that population is growing. Those with BSWs, MSWs, or any degree can be child welfare workers. These personnel decisions are based on the 58 counties. There are no overall requirements for the vast number of child welfare workers. Counties want to reserve the decision to hire whom they pleased and give them the training that they saw necessary, and they did not want to have a state imposed requirement for child welfare workers to a degree in social work. Another complexity is that most clinical services are outsourced by counties. The delivery of clinical services may not be by county staff or in county offices.

Ms. Esposito stated that when they attempted to get title protection, they made it clear that they were not trying to tell the agencies that they must hire social workers; they asked the agencies to change the social worker job classification. The agencies refused to change it because the “social worker” has more prestige.

More research will be conducted as requested by the Committee.

### **VIII. Update on Examination Program**

Mr. Riches reported on the examination program. Psychological Services, LLC (PSI) began scheduling and administering the BBS examinations on June 1, 2007. The transition has been relatively smooth considering the short time frame that PSI has had to implement the new program. There have been some problems that have been corrected. Advanced scheduling is at a 60-day window, and on the way to a 90-day window. Staff has been able to get responses and changes made from PSI.

### **IX. Review Enforcement Program Statistics**

Statistics were presented for review.

### **X. Review of Draft Consumer Information Brochure**

Sean O'Connor, Outreach Coordinator, presented the draft brochure titled *Empowering Consumers: Questions to Ask Your Mental Health Professional*. This brochure is intended to help consumers understand what to expect and what questions to ask when seeking mental health services. Mr. O'Connor invited comments and input.

Ms. Riemersma suggested including under *Questions You Should Ask Your Mental Health Provider*, if mental health professional has the skills to work with the consumer's particular issues/needs. Under *Assessment Process*, include information regarding developing the goals along the line of what the consumer is achieving.

Ms. Johnson stated that “211 services” will eventually will be a huge search engine for social services, used in the same manner as dialing 411.

Ms. Schieldge suggested adding information regarding verification of a mental health professional and their licensure status. Under *Protecting the Consumer*, investigating consumer complaints should also include bringing appropriate enforcement actions. Under *Assessment Process* and *Treatment Plan*, include a statement regarding flexibility

in the treatment plan so there is not a perception that there is only one method of treatment. Under *How Can I Locate Mental Health Services?*, make a reference to Department of Managed Health Care because they regulate HMOs and to Department of Insurance because they regulate PPOs. Under *Consumers without Health Insurance*, omit “excellent”. Ms. Schieldge offered an idea to make a reference to the Department of Mental Health. Another idea is to add a disclaimer stating that BBS does not endorse any particular provider, plan or network.

Ms. Berger suggested adding Psychiatric Nurses to the list under *Mental Health Professionals in California*.

## **XI. Suggestions for Future Agenda Items**

No suggestions for future agenda items were made.

*Meeting adjourned at 1:52 pm*