

Policy and Advocacy Committee Meeting Minutes March 22, 2010

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd.
2nd Floor North, Room 220
Sacramento, CA 95834

Members Present

Gordonna DiGiorgio, Chair, Public Member
Renee Lonner, LCSW Member
Michael Webb, MFT Member

Staff Present

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
James Maynard, Legal Counsel
Marsha Gove, Examination Analyst
Elina Taylor, Administrative Analyst

Members Absent

Samara Ashley, Public Member

Guest List

On file

Gordonna DiGiorgio called the meeting to order at 10:07 a.m. Marsha Gove called roll, and a quorum was established.

I. Introductions

Committee members, staff and audience introduced themselves.

II. Discussion and Possible Action Regarding Registrants Paying for Supervision

James Maynard, Legal Counsel, stated that this issue has been before the Board on two previous occasions. He noted that since the last Board Meeting, both he and Kim Madsen, Executive Officer, had been in contact with the Division of Labor Standards Enforcement. A representative from that agency was invited to attend the Committee meeting, but was unavailable. Ms. Madsen directed meeting participants to two opinion letters by the Chief Counsel, Division of Labor Standards Enforcement, pertaining to the subject, as well as a memo from Mr. Maynard regarding laws prohibiting payment by intern to employer. Ms. DiGiorgio summarized Mr. Maynard's memo for meeting participants and audience.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), stated that the issue of supervision had been raised several years previously. She provided a brief history of the subject, and noted that research and hearings were conducted at that time, but resulted in no changes. It remained permissible for interns to pay for supervision, with the exception of the private practice setting. Ms. Riemersma added that more recently, the request was made of the Board to remove the prohibition pertaining to paying for supervision in private practice. Legislation was sought and the prohibition was removed.

Ms. Riemersma provided additional comment about the various laws that seemingly impact the issue, including those cited by Mr. Maynard. She stated that clarity is being sought by CAMFT with the hope of maintaining the status quo in recent years, specifically, that it is acceptable for registrants to pay for supervision. She added that steps CAMFT has taken to discuss the issue with the Department of Labor have to date been unsuccessful. She thanked the Board for conducting a meeting to gain information from stakeholders and attempt to reach a point where all interested parties have the same understanding of the requirements in the area of supervision.

Ms. DiGiorgio expressed appreciation for the information provided by Ms. Riemersma. She noted her agreement with the importance of clarifying for the stakeholders what the Board's responsibility is with respect to required hours of supervision.

Geri Esposito, California Society for Clinical Social Work (CSCSW), clarified that clinical social workers who are contemplating supervising a registrant for hours of experience are encouraged to not consider payment from the supervisee to be an option. Ms. Riemersma indicated that MFTs are given the same advice, when speaking about the private practice setting.

Mr. Maynard provided additional clarification regarding the labor laws.

Discussion continued, with Board and audience members commenting on the various facets of supervision. Perspective was provided from interns, licensees, and educators, all of whom expressed concern with the current system. Input was also provided from the employer perspective. Ms. DiGiorgio asked what the Board's responsibility is in this area. Mr. Maynard indicated that the Board's licensing laws include specific provisions regarding how the services of an intern or trainee may be used. He stated that if a Board licensee were found to be misusing a registrant or trainee, the licensee could be subject to disciplinary action by the Board. Mr. Maynard added that the Board does not have considerable responsibility regarding enforcement of labor or employment laws.

Ms. Riemersma restated the concern that requirements surrounding the gaining of hours of supervision should not present hurdles to registrants accruing those hours. Ms. Madsen responded that it is not the Board's intent to impede that process.

Conversation continued regarding problems related to supervision. Steven Pomerantz, University of San Francisco – Sacramento Campus, asked how other states address the issue. Ben Caldwell, Alliant International University, AAMFT, reported that there is not a consistent manner of dealing with the subject from state to state. However, it appears that most of the regulatory agencies view paying for supervision as a bad idea, in large part due to dual relationship concerns.

Mr. Maynard provided clarification that paying for supervision, either directly or indirectly, would be considered illegal in California.

The committee recessed for a break, and reconvened at 11:25 a.m.

III. Discussion and Possible Action to Clarify the Term Associate Clinical Social Worker

Janlee Wong, NASW, reported that in 1960, NASW established the Academy of Certified Social Worker (ACSW) credential. He described and provided a brief history about the credential. The Board of Behavioral Sciences' subsequent establishment of the title Associate Clinical Social Worker (ACSW) has resulted in some confusion between the NASW credential and the Board's registration title.

Mr. Wong asked the Board to consider amending the licensing law to eliminate the misunderstanding regarding the two titles. Mr. Wong offered two options to remedy the problem. He suggested that the Board either change the title "Associate Clinical Social Worker" to "Associate Social Worker" in statute, or designate in statute that the abbreviation "ASW" be used to reflect the title "Associate Clinical Social Worker."

Ben Caldwell, Alliant International University, supported taking steps to eliminate confusion between the two designations, but voiced concern about removing the word "clinical" from the title. He suggested use of a name that includes the word clinical, such as "CSWA" (Clinical Social Work Associate).

Ms. Madsen noted that the title "Associate Clinical Social Worker" is reflected in at least one California statute other than the Business and Professions Code. As such, change to the designation would likely necessitate amendment of statutes other than the Board's licensing law.

Geri Esposito, CSCSW, expressed her support for use of the name Clinical Social Work Associate.

Tracy Rhine, Assistant Executive Officer, questioned whether the issue might be resolved through amendments to the Board's Advertising Guidelines. A brief discussion followed. Ms. Rhine noted that discussion regarding revisions to the guidelines was pending. She suggested including further dialogue about changes to the "Associate Clinical Social Worker" designation when the Committee revisited the Advertising Guidelines at a future meeting. Mr. Wong and other interested parties agreed with Ms. Rhine's suggestion.

X. Suggestions for Future Agenda Items

Ben Caldwell, Alliant International University, reported that university faculty had recently voted to submit a request to the Board to consider adding a new degree title, "Couple and Family Therapy," to the list of acceptable degree titles for MFT licensure. He briefly explained the basis for the request, and asked the Committee to include the issue on a future meeting agenda. Ms. Madsen noted that the issue might also be appropriately discussed by the Board's Licensing and Examination Committee.

Geri Esposito, CSCSW, asked for a status report regarding the analysis of the LCSW and MFT licenses compared to the Licensed Professional Clinical Counselor (LPCC) license. Ms. Madsen indicated that the subject should be for discussion by the Licensing and

Examination Committee. She noted that the occupational analysis for the national LPCC examination had been received by the Board and was being evaluated by test specialists. Ms. Rhine indicated that the subject was scheduled for discussion at the next Licensing and Examination Committee meeting on April 12, 2010. In response to a question by Ms. Riemersma, Ms. Madsen indicated that the conversation was expected to cover various aspects of LPCC licensure, and the Board's progress to date in this area.

Ms. Madsen announced that the next Policy and Advocacy Committee meeting is scheduled April 9, 2010 in San Francisco.

XI. Public Comment for Items Not on the Agenda

No public comments were made.

The Committee adjourned at 11:40 a.m.