

Policy and Advocacy Committee Meeting Minutes April 9, 2010

Hotel Adagio
550 Geary Street
San Francisco, CA 94103

Members Present

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

Members Absent

Samara Ashley, Public Member

Staff Present

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
James Maynard, Legal Counsel
Marsha Gove, Examination Analyst
Christy Berger, MHSA Manager
Sean O'Connor, Outreach Coordinator

Guest List

On file

Gordonna DiGiorgio called the meeting to order at 8:30 a.m. Marsha Gove called roll, and a quorum was established.

I. Introductions

Committee members, staff and audience introduced themselves.

II. Review and Approval of the March 22, 2010 Policy and Advocacy Committee Meeting Minutes

Kim Madsen, Executive Officer, noted the following correction: On page three, second paragraph, delete "and NASW," so the sentence begins, "Mr. Wong asked..." Ms. Madsen explained the change is appropriate because Mr. Wong represents or is NASW.

Renee Lonner moved to approve the March 22, 2010 Policy and Advocacy Committee Meeting minutes as amended. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

III. Discussion and Possible Action Regarding Pending Legislation Including:

A. Assembly Bill 612 (Beall)

Tracy Rhine, Assistant Executive Officer, reported that the committee has seen this bill previously, and last year had recommended that the Board take an oppose position on the legislation. Subsequently, amendments were made to the bill which resulted in the need for further review by the committee.

This bill prohibits a court in a contested proceeding pertaining to child custody or visitation rights from relying upon an unproven, unscientific theory, such as Parental Alienation Syndrome, by an expert witness or court-appointed professional, in making a decision pertaining to the matter. While the legislation does not specifically define what is considered to be “an unproven, unscientific theory,” it is believed the bill would inappropriately limit the court’s discretion.

The matter was then opened for discussion.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), noted the association’s opposition to the legislation.

Michael Webb moved to recommend to the Board to oppose AB 612. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

B. Assembly Bill 1310 (Hernandez)

Ms. Rhine reported that the committee and Board had seen this bill previously. In summary, the legislation requires the Board to collect certain information from licensees; a majority of that data is currently collected by the Board. After its earlier review, the Board had concerns with several facets of the legislation such as the types of data that would be required for collection; the failure to include all entities within the Department of Consumer Affairs as subject to the requirements of the bill; and the apparent limitations on how the data would be collected. Ms. Rhine noted that the previous version of the bill required that the information be gathered as a condition of licensure or renewal.

Ms. Rhine stated that the Board’s previous action had been to support the legislation if certain amendments were made.

The legislation has now been amended in a manner that addresses a majority of the Board’s earlier concerns. Ms. Rhine reported that the amended version continues to present technology problems because the currently used databases would need to be altered to capture new fields, a time-consuming process which could result in substantial cost to the Board. Ms. Rhine deferred to Board-staff Sean O’Connor for input regarding the feasibility of meeting the implementation date of January 1, 2011, implied in the legislation. Mr. O’Connor responded that it could be a challenge to meet that date. He explained that the Department of Consumer Affairs (DCA) maintains the databases for the various boards and bureaus within the department. He clarified that the burden of the challenge would therefore fall on DCA to take the steps necessary to meet the implementation date.

Mr. O’Connor noted that the DCA is moving toward a new, updated database system. He speculated that another related challenge could occur due to the department’s

reluctance to make major changes to the existing system due to the move to a more modernized system.

Gordonna DiGiorgio, Chair, asked if the legislation would guarantee that all data would be kept in one place. Mr. O'Connor and Mr. Maynard responded affirmatively, though both expressed the understanding that the transition to the new database is a slow process.

Ms. Rhine repeated that the issues of concern to the Committee and Board previously had been addressed by the author. She expressed the position that, aside from the noted technological issues, the Board did not need to have concerns with the content of the amended legislation.

Renee Lonner moved to recommend to the Board to support AB 1310. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

C. Assembly Bill 1737 (Eng)

Ms. Rhine reported that the Board is not subject to the provisions of the legislation as currently written. She explained that the Board is not currently required to collect the type of data that is outlined in the bill. No action was required by the Committee.

D. Assembly Bill 2028 (Hernandez)

Ms. Rhine noted that this legislation pertains to exemptions to child abuse reporting requirements. It would allow a psychotherapist to disclose information relevant to an incident of child abuse or neglect without complying with the written request provision in existing law.

Ms. Rhine explained that Board licensees are mandated reporters, meaning they are required by law to report known or reasonably suspected incidents of child abuse or neglect. Failure to make such a report is a misdemeanor. Ms. Rhine noted that the intent of the legislation is to clarify in existing statute that health care providers who report suspected abuse or neglect are allowed to provide information to those investigating the report; the bill provides an exemption from written request requirements specified in law.

Mary Riemersma, CAMFT, stated that also being added to the legislation is elder and dependent adult abuse. The bill also exempts from the requirement of having to provide notification after the fact.

Renee Lonner moved to recommend to the Board to support AB 2028. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

E. Assembly Bill 2086 (Coto)

Ms. Rhine stated that this bill would require institutions of higher education to put on their applications a link or other direction to where a student could find rates of passage on specific professional licensure examinations by students of that institution or program. She reported having conducted her analysis of the legislation as introduced; however, amendments were made to the bill a few days before the committee meeting. Ms. Rhine indicated that a summary review of the amendments suggested that the legislation retained its original objective. Of concern to her was the lack of clarity in certain areas, such as who would be required to provide the information, or even how the legislation would be implemented. Given that the amendments had been made so recently, staff had been unable to thoroughly review them to determine how the changes impacted the Board. She recommended that discussion of the legislation continue and the matter be revisited at the next Board meeting to determine if the amendments addressed the issues raised by staff in the original analysis.

Renee Lonner moved to defer AB 2086 to the next Board meeting for further discussion. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

F. Assembly Bill 2167 (Nava)

Ms. Rhine reported that currently candidates for licensure as a Licensed Clinical Social Worker (LCSW) in California must complete a two part examination developed by the Board. This legislation would eliminate the two state-administered examinations and instead require an LCSW candidate to complete a national, clinical level examination administered by the Association of Social Work Boards (ASWB), as well as a California jurisprudence examination.

Ms. Rhine provided a brief history of the Board's involvement with the ASWB examination. She reported that after several years of administering the ASWB clinical level examination, the Department of Consumer Affairs Office of Examination Resources in 1998 began having concerns with the test. Ms. Rhine noted that those concerns were outlined in her analysis of the legislation. Subsequently, the Board changed to administering the state-board-constructed examination currently in use.

In 2006, ASWB asked the Board to consider rejoining ASWB, at which time the Board began the process of evaluating the current national examination. A psychometric audit of the test was performed by Dr. Tracy Montez of Applied Measurement Services, LLC. When the Board was presented with the results of that study, the recommendation by Dr. Montez was for the Board to continue using the board-administered test and not change to the national examination.

In 2008 the Board formed the Examination Program Review Committee. The group was assigned, in part, to review the national and board examinations for all license types regulated by the Board, with an eye toward possible improvements to the examination process; the ASWB test was included in the review. Dr. Montez again spoke about her concerns with the national (ASWB) examination.

Ms. Rhine noted that in February 2010, the National Association of Social Workers (NASW), California chapter, introduced the current legislation. Board staff corresponded with the bill's author (Assembly member Nava) and outlined its

concerns. The response received from ASWB indicated that some of the issues raised previously by Dr. Montez had been addressed. Dr. Montez is currently reviewing the changes that have been made to the ASWB exam and has continued her communication about the next steps she will take in that regard. The changes will include having Subject Matter Experts look at the new examination plan and perform an audit of the test.

Ms. Rhine indicated that presently there is not sufficient evidence of changes to the examination that would influence the Board's position on the ASWB examination. Currently, Dr. Montez is recommending that the Board continue using the state-administered examination for LCSWs. AB 2167 would go against that recommendation.

Committee Member Renee Lonner asked if the desire to administer the ASWB examination versus the state-constructed examination based on the issue of reciprocity. Ms. Rhine responded that portability was one of the issues, as California is the only state that does not currently use the ASWB examination. Another issue pertains to a national loan repayment program. The way the federal statute is written requires that a candidate take the national examination in order to be eligible for the repayment program. She noted that the state also has its own loan repayment program; however, it is the federal program that is associated with the ASWB examination.

Ms. Rhine touched on various issues related to the Board's use of the national examination. She stated that the Board's mandate is consumer protection. It is the Board's responsibility to set appropriate standards for individuals to meet in becoming licensed, and to administer a licensure examination that tests according to those standards.

Kim Madsen, Executive Officer, commented that at both the last committee meeting and board meeting, the board adopted the concept of the jurisprudence exam and a separate written test, whether national or state-constructed. Further discussion of that concept was anticipated at the next Examination Committee meeting. Ms. Madsen indicated that should the Board decide to begin administering the national examination, it would be in a position to accept that test. Ms. Lonner added that moving in the direction of the national examination also allows ASWB to make it more appropriate for clinical practice in California. Ms. Madsen commented that one of the steps the Board had taken to work with ASWB is to provide a list of practitioners who could be contacted for participation in the occupational analysis of the national test. She expressed her uncertainty as to the number of California licensees who had actually participated, but stated that ASWB had committed to providing the Board with that information when the occupational analysis was complete. Ms. Rhine added that the report was expected soon.

Committee Member Michael Webb asked if the curriculum requirements to qualify for the national examination are the same as for the state-administered exam. Ms. Rhine was uncertain about the differences in the exam requirements from state to state, and deferred to NASW for response as the sponsor of the bill.

Rebecca Gonzales, NASW, provided background on the association's decision to sponsor the legislation. She reported having been contacted by members about the difficulty in qualifying for the loan repayment program. While portability is also a

reason, it is the ability to provide members access to the federal program that sparked NASW interest in the bill. Ms. Gonzales noted that over the past five years NASW has tried various approaches to this task, including seeking an exception for California candidates. Those efforts have been unsuccessful to date. She was unable to answer Mr. Webb's question regarding specific curriculum requirements, but indicated that the other states considered the exam to be valid, including states that could be considered comparable to California in terms of diversity. Ms. Gonzales noted her understanding that the Board, through Dr. Montez, is currently reviewing the revision to the examination to determine if California's concerns had been addressed. She announced that NASW plans to take an amendment to the bill. In short, the amended bill would say that if the Board determines that the national examination is valid and useful, then California would move to the national test. In essence, the amendment gives the Board the authority to not use the national examination if that test is determined not to meet the California's needs and standards. NASW is committed to continuing its work with the Board through this process. Ms. Gonzales repeated that of primary concern to NASW is the federal loan repayment program and the widespread concerns expressed by NASW members at their inability to avail themselves of the benefits of that program.

Herbert Weiner asked for clarification whether or not the legislation addressed the six year time frame required for the completion of hours of experience. It was confirmed that the legislation does not address the time frame pertaining to accrual of hours.

Mary Riemersma, CAMFT, noted that Marriage and Family Therapists face the same problem as LCSWs with respect to the federal loan repayment program.

Ms. Lonner commented, with respect to curriculum, that California's curriculum is not in statute. The standard is that the courses are approved by CSWE. She was unsure about the curriculum requirements in other states. Ms. Rhine added that the requirements are varied. A brief discussion ensued about some of those differences, such as states that have levels of social work licensure. Ms. Lonner added her recollection about issues of concern with the ASWB test that led to California's decision to begin developing its own examination for LCSWs.

Ms. Rhine stated that the legislation is currently premature for the Board's purposes because the previously identified issues had not been confirmed as addressed. After discussion, the decision was made to continue taking an oppose position until such time as the amendments can be more thoroughly reviewed. Ms. Gonzales asked if the amended language would impact the Board's position on this legislation. Ms. Rhine responded affirmatively. Currently, if the Board decided to again use the national examination, legislation would be required to authorize use of that test. If AB 2167 passes as amended, it would, at a minimum, allow the Board to use the ASWB exam without additional legislative action.

Ms. Rhine recommended that the committee go with the bill as presented, and continue with the oppose position for the present. The legislation will be discussed again at the May Board meeting, after the amendments have been made. At that time the Board can opt to change its position if the revisions to the bill are deemed to have addressed the Board's concerns.

Mr. Webb asked if there was any data available about the number of people who are impacted by the lack of access to the loan repayment program. The NASW

representative estimated a potential pool of 600 people affected. Ms. Lonner noted certain scenarios that could impact that number.

Sean O'Connor, Board Outreach Coordinator, asked about the application requirements for the loan repayment program, specifically, at what point does one apply for that program. The NASW representative did not have that information readily available. Mr. O'Connor explained he was trying to get an idea about who would qualify for the repayment program. He asked for clarification. The NASW representative confirmed that the graduate would have to take the national examination to qualify for the program.

Renee Lonner moved to oppose AB 2167 pending further discussion at the next Board meeting. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

G. Assembly Bill 2229 (Brownley)

Ms. DiGiorgio noted that this legislation had been amended shortly before the committee meeting. Ms. Rhine reported not having had the opportunity to conduct an analysis of the bill as amended. She stated that the legislation pertained to mandated child abuse reporting. Most significantly, the bill as introduced would require a health practitioner or medical social worker who is making a mandated report relating to abuse or neglect resulting from maternal substance abuse to disclose all known health needs of the child, including potential exposure to HIV infection. Ms. Rhine reported learning from the author's office that due to the substantial feedback received, the plan was to delete the provision pertaining to HIV infection. She confirmed that this change had been made, as well as others. She recommended to the Committee that the bill be deferred for future discussion at the next Board meeting.

Renee Lonner moved to defer AB 2339 to the next Board meeting for further discussion. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

H. Assembly Bill 2339 (Smyth)

Ms. Rhine reported that this bill pertains to child abuse reporting. She provided a brief history of the Child Abuse and Neglect Reporting Act (CANRA), noting that the provisions pertaining to emotional abuse or neglect had originally been included in law, then were removed, and then reinserted. She stated that the evolution of the law had resulted in different rules to be applied depending upon the type of abuse. The legislation would allow mandated reporters to report, or discuss as appropriate, emotional abuse of a child, without the threat of liability, discipline, or violating the law.

The bill was sponsored by CAMFT. Ms. Riemersma noted that she was unclear why the language regarding emotional abuse or neglect had been removed from the original law several years prior. She touched on CAMFT's perspective on the possible long-term consequences of emotional abuse, and therefore why it is important that a mandated reporter of such abuse know that he or she is protected legally when making, or cooperating in the investigation of, a report of emotional abuse to a child.

Mr. Webb asked for clarification regarding why the emotional abuse language had been deleted originally. Ms. Riemersma responded that while it was intentional to remove the language, major revisions had been made to CANRA and she was unsure of the specifics pertaining to the emotional abuse. A brief discussion ensued.

Ben Caldwell, AAMFT, stated his intent to recommend to his organization that a position of Support be taken on this legislation.

Renee Lonner moved to recommend to the Board to support AB 2339. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

I. Assembly Bill 2380 (Lowenthal)

Ms. Rhine reported that current statute specifies that Board licensees are mandated reporters under the Child Abuse and Neglect Reporting Act. As such, licensees are required to make a report when, in a professional capacity, there is knowledge or reasonable suspicion that abuse has occurred. Ms. Rhine noted her understanding that many mandated reporters are unclear as to the definition of “reasonable suspicion,” resulting in abuse reports not being made in situations that warrant reporting. AB 2380 would clarify the meaning of “reasonable suspicion.”

The committee members commented about the importance of clarity when it comes to defining terms such as “reasonable suspicion.” A brief discussion ensued among meeting participants.

Michael Webb moved to recommend to the Board to support AB 2339. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

J. Assembly Bill 2435 (Lowenthal)

Ms. Rhine reported that this bill was sponsored by the California Commission on Aging (Commission). When the Board was recently working on legislation changing the MFT curriculum, the Commission had requested several changes to various curriculum requirements to insert references to assessment and reporting of elder and dependent adult abuse or neglect. A number of the changes requested by the Commission were made at that time. The Commission subsequently introduced the current bill, which Ms. Rhine reviewed in its amended form.

The legislation inserts instruction on the assessment and reporting of elder and dependent abuse and neglect in the statutes for MFTs, LCSWs, and LPCCs, having to do with long-term care and aging. Current statute requires applicants to complete 10 contact hours of aging and long-term care coursework for licensure. Not included in that requirement is assessment and reporting instruction, or dependent adults.

Ms. Rhine described how the legislation would be implemented, depending in part on when the applicant begins graduate study and the type of license being sought. To create consistency and clarity, staff suggested revision of the implementation dates.

Ben Caldwell, AAMFT, reported AAMFT having sought and received amendments to the bill. At the present time, AAMFT is supportive of the legislation, but shares the

Board's expressed concerns regarding the confusing surrounding the implementation dates.

Ms. Riemersma and other meeting participants commented briefly about their interest and involvement in the evolution of AB 2435.

Renee Lonner moved to recommend to the Board to support AB 2339, if amended to remove staggered implementation dates. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

The meeting adjourned for a brief break at approximately 9:45 a.m., and reconvened at approximately 9:55 a.m.

K. Senate Bill 389 (Negrete McLeod)

Ms. Rhine reported that the Board had previously taken an oppose position to this legislation, which pertains to fingerprint submission. She indicated the bill was again before the committee because amendments had been made; however, none of those changes addressed the Board's concerns. She provided an overview of the Board's efforts to date regarding fingerprinting of all licensees. Ms. Rhine reported having contacted the author's office to express concerns with the bill, given the impact it would have on the Board's efforts to date. She was told the legislation was proceeding, and was assured the Board's concerns would be addressed during the process. The committee briefly discussed the wording of the recommendation to the full Board.

Renee Lonner moved to recommend to the Board to oppose SB 389, unless amended to exempt the Board from the provisions of the bill. Michael Webb seconded. The Committee voted unanimously (3-0) to pass the motion.

L. Senate Bill 543 (Leno)

It was noted that this bill had previously been discussed by the full Board, at which time an oppose position was taken. Ms. Rhine reported that the legislation has been amended. Ms. Rhine explained that existing law allows a minor over the age of 12 to consent to mental health services on an outpatient basis if the minor is mature enough to participate intelligently in treatment, and if the minor would present a danger to self or others if services were not received. In part, the current legislation would allow a minor to agree to services without the requirement that he or she present harm to self or others. Ms. Rhine noted that the Board had previously been concerned with the wording of the legislation, which served to disallow parental involvement in the minor's treatment unless the attending professional deemed such participation appropriate. The revised version of the bill returns to the premise that the parent or guardian would be involved in treatment unless the professional deems it inappropriate. She briefly described the intent of the bill, and the remaining provisions.

The committee members and meeting participants discussed their ongoing concerns with the legislation, including the broad manner in which the bill is worded. The committee expressed unease with the possible misuse of the intent of the legislation

as currently written. Mr. Webb asked about possible amendments to the bill; no amendments were reported pending.

Michael Webb moved to defer SB 543 to the next Board meeting for further discussion. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

M. Senate Bill 1282 (Steinberg)

Ms. Rhine reported that the legislation would establish the California Behavioral Certification Organization (CBCO), a private, non-profit agency, to certify and register Applied Behavioral Analysis Practitioners. She noted that there currently exist other private, non-profit certifying organizations that work with specific groups, such as alcohol and drug counselors. One such organization is the Behavior Analyst Certification Board (BACB), which provides certification for behavioral analysts. The intent of SB 1282 is to allow consumers another avenue to applied behavioral analysis services. Ms. Rhine explained that the legislation provides title protection for those individuals who would become certified, but does not provide for practice protection or regulation. Of additional concern is the confusion to consumers that could be caused by allowing individuals to represent themselves as California certified when the certification is not provided by the State of California. The bill does not appear to restrict the practice of Board licensees who are otherwise qualified to provide applied behavioral analysis services. Committee members discussed concerns with the bill, including the potential for harm to the public in terms of consumers misunderstanding the type of treatment they can expect from the certified individual.

Ms. Riemersma noted that the sponsor of the legislation had previously attempted unsuccessfully to license behavioral analysts, and to limit behavioral analysis to the individuals who held that license. She commented that the current legislation appears to another attempt in that regard.

Mr. Caldwell asked Ms. Rhine if there was any sense about the practical consequences to the legislation. Ms. Rhine responded that her review of the confusingly worded bill uncovered no practical consequences. Mr. Caldwell commented that AAMFT had not yet taken a position on the legislation.

Discussion among meeting participants continued, with many expressing concern over the lack of regulation of the proposed profession.

Renee Lonner moved to defer SB 1282 to the next Board meeting for further discussion. Donna DiGiorgio seconded. The Committee voted to pass the motion (2-0). Committee Member Michael Webb abstained.

IV. Discussion and Possible Rulemaking Action Regarding Implementation of SB 788 (Wyland) Chapter 619, Statutes of 2009 Establishing Licensed Professional Clinical Counselors

Sean O'Connor, Associate Governmental Program Analyst with the Board, reported that previous legislation had established the profession of Licensed Professional Clinical Counselor (LPCC) in California, with the Board of Behavioral Sciences assigned regulation of the profession. In order to implement the LPCC program, regulations must be adopted to address various issues related to the program, such as application fees, and clarify any unclear provisions of the original statute. He indicated that the information before the committee was the proposed language for those regulations. Mr. O'Connor noted that a portion of the regulatory package also was intended to update regulations as appropriate, such as when reference is made to statute that is no longer in place.

Mr. O'Connor identified several sections of the regulations that require policy consideration, and directed the committee to those questions. The proposed package was then opened for discussion.

Mr. Caldwell reported not having had the opportunity to review the regulatory package prior to the meeting, but offered assurances that a thorough review would be completed. Ms. Rhine noted that the package will again be discussed at the May board meeting. If approved, the package will then move through the rulemaking process, including public comment. She encouraged any parties that might have issue with the package to inform the Board of those concerns as soon as possible, making it possible to address those concerns prior to the May board meeting.

Ms. Riemersma noted that the proposed regulations contain much the same language as in parallel MFT and LCSW regulations. Mr. O'Connor confirmed that the regulations were modeled after the other professions licensed by the Board.

Ms. Madsen complimented Ms. Rhine and Mr. O'Connor for their efforts in preparing and moving forward with the proposed regulations.

Mr. O'Connor briefly touched on the regulatory language in the package that does not concern the LPCC program. He indicated that the language pertained to regulations previously approved by the Board.

Donna DiGiorgio moved to recommend to the full Board the approval of the rulemaking package. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

V. Discussion and Possible Legislative Action Regarding Amendments to AB 2191 (Emmerson) Related to Retired License Status

Ms. Rhine provided an overview and history of AB 2191. The Board received a request from the Assembly Republican Caucus staff for clarification about the continuing education requirement to restore a license. This resulted in one of the three changes being presented to the committee. Ms. Rhine outlined all of the proposed changes, and the rationale behind each revision. She also provided clarification regarding the continuing education requirement.

Michael Webb moved to approve the amendments to AB 2191 and forward to the full Board. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

VI. Discussion and Possible Legislative Action Regarding Amendments to AB 1489 (Committee on Business, Professions and Economic Development)

Ms. Rhine noted that SB 1489 is the Board's Omnibus Bill for the current year. The proposed amendments pertain to issues that have risen since the bill was introduced. Ms. Rhine then reviewed the suggested changes, and the rationale for each change, and provided clarification as requested.

Marriage and Family Therapy Practicum Requirement

Discussion occurred among meeting participants about the proposed amendments concerning the MFT practicum requirement.

Ms. Rhine reported that the passage of SB 33 (Correa) Chapter 26, Statutes of 2009, which became effective January 1, 2010, resulted in significant changes to the California Business and Professions Code (BPC) pertaining to MFT educational requirements. One change in the new law requires MFT students/trainees, after August 1, 2012, to be enrolled in a practicum course while counseling clients (BPC §4980.36(d)(1)(B)(iii)). Currently a trainee must take 6 semester units or 9 quarter units of practicum as part of his or her degree program, and may not practice as a trainee until he or she has completed 12 semester units or 18 quarter units of coursework in a qualifying degree program. Additionally, a trainee treating clients must be enrolled in a master's or doctorate degree program designed to qualify him or her for licensure (BPC §4980.03(c)). According to Committee minutes, the provision requiring enrollment in a practicum course for trainees counseling clients evolved from an initial proposal brought to the Committee that would have simply increased the number of units of practicum required for licensure to the equivalent of 9 semester units, which represented a proportional increase corresponding to the increase in the direct client contact hours required. However, during discussions stakeholders conveyed to Board members that the increasing of the practicum unit requirement would be burdensome to some schools and the increase in units required may displace other courses integral to the MFT education program. In response to these concerns the Board did not mandate increased units of practicum, but instead, included in legislation the language currently found in law requiring trainees to be enrolled in practicum if he or she is counseling clients.

Ms. Rhine indicated that, with the passage of SB 33, there is a conflict between BPC section 4980.36(d)(1)(B)(iii), which requires that a student be enrolled in a practicum course while counseling clients, and section 4980.42(a), which states, in significant part, that a student may gain hours of experience outside the required practicum. The conflict currently exists only for those students enrolled in educational institutions that have, or are going to transition their educational programs to meet the post 2012 requirements before that date. Existing requirements for those educational programs not choosing to move to the new requirements before August 1, 2012 allow for trainees to counsel clients and gain experience outside of practicum. She noted that the problem could be resolved by clarifying that trainees may only gain experience outside required practicum if he or she is enrolled in a degree program in compliance with BPC section 4999.37 (current education requirements).

Ms. Rhine stated that another concern is related operation of this provision. Possible implementation problems have been noted with requiring a trainee to be enrolled in practicum while counseling clients. Several schools have inquired how this provision would

operate during intersession and summer break, when students may not be able to enroll in a practicum course. This could present both issues related to continuity of care, when a student/trainee would have to take a summer off of work leaving those clients with a different practitioner or without care, and barriers to licensure when a trainee will not be able to gain direct client hours because they are unable to enroll in practicum. It was noted that only 225 hours of face-to-face experience is required, and if these hours were completed within one school year (approximately 34 weeks of course enrollment – with time off between semesters), it would require a trainee to complete only seven hours of client contact per week.

Ms. Rhine reported that the Board's intent in requiring practicum for students counseling clients is to ensure that these minimally trained individuals have greater oversight from the school and to also provide mentorship and support for the trainees that they would not get outside the practicum course. By requiring enrollment in practicum and not increasing the total units of practicum required for MFT licensure, the Board afforded the flexibility to the schools to provide more practicum with the same amount of units. She provided an example of one school's efforts to comply with this requirement.

Discussion continued regarding the options for amendment to the MFT practicum requirement.

Ms. Riemersma reported having spoken with many schools about this issue, which is handled differently from school to school. She encouraged the Board not to require students to be enrolled in practicum to counsel clients, but rather continue leaving it the school to decide what to allow.

Mr. Caldwell spoke about the oversight functions of a practicum class.

Mr. Maynard suggested that an appropriate recommendation would be to direct staff to develop language that would allow students to engage in practicum during the course of the normal school year, and requiring a practicum class during the summer if the student intended to continue counseling during that time.

Renee Lonner moved to direct staff to develop language that would allow students to engage in practicum during the course of the normal school year and requiring a practicum class during the summer if the student intended to continue counseling during that time. Donna DiGiorgio seconded. The Committee voted unanimously (3-0) to pass the motion.

VII. Budget Update

Kim Madsen, Executive Officer, provided an overview of the Board's budget, noting areas of highlight. She also spoke about the ongoing budget issues in California, and the steps the Board is taking to work with those issues.

VIII. Rulemaking Update

Ms. Rhine presented the list of pending regulatory proposals, for the committee's review.

IX. Suggestions for Future Agenda Items

No agenda items were proposed.

X. Public Comment for Items Not on the Agenda

An unidentified audience member read a prepared statement about the requirement that hours of experience be gained within a six-year time frame, and his experience in gaining those hours. In summary, he asked that the Board review the six-year requirement, and expressed his willingness to work with the Board in this area.

The group briefly reviewed the upcoming committee and board meeting dates.

The Committee adjourned at approximately 12:00 p.m.