

**Licensing and Examination Committee
Meeting Minutes
June 14, 2010**

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

Members Present:

Elise Froistad, MFT Member, Chair
Mona Foster, Public Member
Christine Wietlisbach, Public Member

Staff Present:

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
Paula Gershon, Program Manager
Marsha Gove, Examination Analyst
Rosanne Helms, Legislative Analyst
Sean O'Connor, Outreach Coordinator
Sandra Wright, Examination Analyst

Members Not Present

Janice Cone, LCSW Member

Guest List:

Dr. Tracy Montez, Applied Measurement
Services
Guest list on file

Elise Froistad, Committee Chair, called the meeting to order at 9:00 a.m. Marsha Gove called roll, and a quorum was established.

I. Introductions

Committee members, staff, and audience members introduced themselves.

II. Review and Approval of the April 12, 2010 Meeting Minutes

Ms. Madsen noted a correction necessary to page three (3), section four (4), specifically to change the meeting date from 6/7/10 to 6/14/10.

Mona Foster moved to approve the Licensing and Examination Committee minutes, as amended. Christine Wietlisbach seconded. The Committee voted 3-0 to adopt the minutes.

III. Update on Review of Professional Clinical Counselor National Examination; Presentation by Dr. Tracy Montez

Dr. Montez reported that the first phase of the contract, writing of a professions analysis, was completed in May 2010. She indicated that the second phase of the project is to evaluate the two examinations offered by the National Board for Certified Counselors, in terms of national testing standards and to the extent the examinations would be suitable for California's use in the regulation of Licensed Professional Clinical Counselors. Dr. Montez anticipated presenting the findings from her review of the examinations at the July 2010 Board Meeting.

IV. Discussion and Possible Action on Accepting Degrees in Couples and Family Therapy Under Business and Professions Code Sections 4980.36 and 4980.37

Rosanne Helms, Legislative Analyst for the Board, reported that a request had been received from Ben Caldwell, MFT, on behalf of Alliant International University, asking the Board to consider seeking legislation to accept degrees titled "Couple and Family Therapy" as appropriate for licensure as a Marriage and Family Therapist (MFT). She indicated that the requested change would reflect a growing trend to recognize the diversity of relationships with which MFTs work. Ms. Helms provided a list of degrees currently considered by the Board as acceptable for MFT licensure. She noted that with one exception, the acceptable degree titles have been in place since at least 1986. She also provided a list of educational institutions nationwide which currently either confer a degree titled "Couple and Family Therapy" or "Couples and Family Therapy," or have a program named "Couple and Family Therapy" or "Couples and Family Therapy."

Ms. Helms noted that the recommendation to the Committee was to conduct an open discussion regarding acceptance, as a qualifying degree for MFT licensure, degrees in Couple and Family Therapy. If the Committee's decision is to propose inclusion of the degree title, recommend to the Board that staff draft language and introduce Board-sponsored legislation.

The matter was opened for discussion by meeting participants.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), noted that the association does not have issue with including the degree title, Couple(s) and Family Therapy, as acceptable for licensure as an MFT.

Dean Porter, California Coalition for Counselor Licensure (CCCL), commented that the national accrediting body for Licensed Professional Clinical Counselors (LPCC) suggests that Marriage, Couple and Family Counseling would be the name of a degree that is accredited.

Ms. Froistad expressed concern about removing the word "marriage" from the degree title. Ms. Rhine noted that nothing was being removed from the list of qualifying degrees, but rather a new degree title was being added as acceptable. Ms. Froistad stated she liked Ms. Porter's idea that a good name for the degree would be Marriage, Couple and Family Counseling, if the name were to be changed.

Discussion ensued about the title that would best describe the type of therapy provided by an MFT.

Ms. Rhine commented that Ms. Porter's comment pertained to LPCCs. She stated her understanding that Mr. Caldwell's request was based on the awareness that various schools are conferring the degree in question, but students who earn that degree currently cannot qualify for licensure by the Board because the degree is not listed as acceptable in the MFT laws; hence, the need for discussion by the Board. She stated her understanding that the degree in Couple and Family Therapy is clearly within the scope of practice of an MFT.

Ms. Madsen added that current law is written in such a manner that the Board does not have the latitude to accept degree titles other than those listed in statute. Both she and Ms. Rhine indicated that a degree in Couple and Family Therapy was definitely within the scope of practice for an MFT. Candidates would still be required to meet the same educational and experience requirements.

Ms. Riemersma commented that the request was to add a new degree title, not to change the title of the profession as the profession is recognized. She expressed that many would claim that couple and family therapy or counseling is an attempt to keep in mind diverse or non-traditional relationships while still recognizing individuals who are married. She noted that if the course content is to remain the same, there did not seem to be a problem in allowing a degree with a different title.

Christine Wietlisbach moved that the Committee recommend to the full Board to direct staff to draft language adding the degree title of Couple and Family Therapy to the Board's list of acceptable degrees. Mona Foster seconded. The Committee voted 3-0 to pass the motion.

V. Discussion and Possible Action Regarding Revising the Board's Examination Process for Marriage and Family Therapists and Clinical Social Workers

Sean O'Connor, Board of Behavioral Sciences, reported that the issue of revising the examination process for MFTs and LCSWs had been discussed by the previous Examination Program Review Committee, and twice by the full Board at its January and May 2010 meetings. He indicated that a staff recommendation was made at the May 2010 meeting to move away from the current requirement that involves passing both a standard written and a clinical vignette examination after having gained the necessary hours of supervised experience. In summary, the suggested new process would require registrants to take a law and ethics examination upon registering with the Board, and then a practice exam upon completion of the required hours of qualifying work experience.

Mr. O'Connor referred meeting participants to sample scenarios that had been developed to reflect the possible ins and outs of the proposed examination restructure.

Mr. O'Connor reported that in researching the proposed change, he and Ms. Rhine had uncovered a problem. He explained that under the current examination structure where two examinations are required at the end of the process, there is an easy stopping point for calculating when a candidate's hours of experience are too old. He described the process currently in use for determining hours of experience that qualify an individual for examination, stating that the valid hours are determined by counting back six-years from the date the application for licensure is received. In moving away from the requirement that both examinations be completed after the requisite hours of experience are earned,

the problem arises that a person could possibly gain their hours of experience during the first two years of registration, but not pass the law and ethics examination. The candidate would feasibly be qualified to take the second (Standard Written) examination before having successfully completed the first (law and ethics) examination. The new process could feasibly be unfair to candidates who earned the required hours of experience during the first three years of registration, but were unsuccessful in passing the law and ethics examination during that time.

Mr. O'Connor reported that in order to address these concerns, staff proposed to tie the six-year period currently used when an individual applies for examination eligibility to the proposed new Standard Written practice exam. He provided as an example the scenario where a candidate gains all hours of experience by the end of the third year of registration but has not yet passed the law and ethics examination. The candidate would apply to the Board for eligibility to the practice examination. The hours of experience would be calculated six years back from the time the candidate meets the requirements for admission to that examination, and if all requirements were met the candidate would be qualified to sit for the examination. In such cases, the candidate would technically be qualified to take both the law and ethics and New Standard practice exams.

Ms. Froistad asked for clarification regarding the six-year time frame referenced by Mr. O'Connor. He explained the time-frame he was discussing pertains to determining when hours of experience are too old to qualify a candidate for the licensure exam. He noted that under the current structure, once a candidate is approved to take the examination, he or she could continue to take the test indefinitely and the hours of experience would continue to be valid as long as the candidate tested at least once at year until both examinations are passed. When asked why the current process could not remain in place, Mr. O'Connor responded that the proposed change served to do the same thing by locking in place the hours of experience earned by a candidate. If at the time the candidate submits the application for examination the law and ethics examination has not yet been passed, the eligibility for the second examination would be in locked in place. Once the candidate passes the law and ethics examination, he or she would automatically be eligible to take the practice exam.

Dr. Montez commented that the expectation is there will be very few candidates who experience the situation described by Mr. O'Connor. The criteria for passing the law and ethics examination would be based on the expectation of what a candidate would know upon graduation, when they have not yet begun to earn supervised hours of experience. Dr. Montez commented that there is an underlying assumption that the knowledge that is achieved by passing the first law and ethics examination is a building block for passing the new standard practice examination. She also made note of the importance of preserving exposure and examination security issues, indicating it would not be appropriate to allow a candidate repeated access to the examinations. She repeated the expectation that the situation being discussed would be minimal in terms of the candidate population being affected.

Ms. Froistad broached the subject of removing the time frame during which a candidate is required to take the law and ethics examination and simply require that that test be passed before the candidate takes the practice test. Mr. O'Connor responded that doing so would be a departure from the original recommendation of the Exam Program Review Committee. Discussion ensued. Ms. Rhine commented that when talking about basic law and ethics, it was appropriate to implement a time frame in order to ensure consumer protection.

Ms. Riemersma stated that CAMFT is concerned with the limitation of registration to three years, and noted that many interns are employed in exempt settings where no registration is required. She indicated that there was no concern with requiring remedial coursework each year of candidates who have not been successful in passing the law and ethics examination. She presented various possible reasons that a candidate might not pass the examination in three years. Ms. Riemersma added that changing the registration period from a possible six years to a possible three years would necessitate changes to several statutes, and would serve to make the licensure requirements confusing. She encouraged the Board to allow the six-year registration period to remain in place, and if restricting the length of the registration to three years was found necessary, limit that restriction to interns who are employed in private practice settings.

Ms. Wietlisbach asked if the law and ethics examination is a standard jurisprudence examination. Ms. Madsen confirmed that it is. Discussion continued. Dr. Montez indicated that the examination is always being monitored and evaluated. If there are any concerns or issues the examination can be stopped or other steps taken to address those concerns.

Ms. Rhine asked Ms. Riemersma for clarification of her intent when she spoke about allowing the six-year time frame to remain in place. Ms. Riemersma confirmed that she meant allowing the registrant to take the examination throughout the life of the first registration, if necessary. The registrant would be allowed the full six years to complete the law and ethics exam, and would not be limited to only three years. At the end of the six years the candidate who has not yet passed the law and ethics examination would not be allowed to obtain a new registration. Mr. O'Connor confirmed that whether the registration time frame is three years or six years, the remedial education component would be required of candidates who fail the law and ethics examination during registration.

Ms. Froistad confirmed that the current proposal would allow a registrant to take the law and ethics examination immediately upon becoming registered. If the examination is not passed during the first year of registration, the registrant would be required to complete a remedial 18-hour law and ethics course. A remedial course in law and ethics would be required of the registrant each time the law and ethics examination is attempted and failed. If after three years the registrant still has not passed the test, the registration would be cancelled and the individual would have to pass the exam before a new registration could be obtained. Discussion continued. Mr. O'Connor noted that a significant number of registrants do not complete the required hours of experience during the first three years of registration.

Ms. Madsen commented that the current process toward licensure involves an individual gaining the requisite degree and then applying for registration from the Board. The Board has no way to ensure that the graduate has an understanding of basic law and ethics. The concern is that over time there have been disciplinary cases against registrants, the core of which involved basic law and ethics. In order to address the issue and provide consumers with assurance that the registrants, while not fully licensed, have a basic understanding of the law and ethics regulating the profession, the Committee developed the idea of a law and ethics examination at the beginning of registration.

Mr. O'Connor confirmed that registrants must take the law and ethics exam once a year until passed, but the exam can be taken twice a year if the candidate so chooses.

Rebecca Gonzales, NASW, asked for and was provided clarification regarding the current statute pertaining to the six-year time frame pertaining to hours of experience.

Discussion continued and included subjects such as the availability of data to indicate the success rate for candidates who have taken the examination after being out of school for five or six years. Mr. O'Connor indicated that at the present time no such information is readily available. Discussion also touched briefly on the proposed 18 hours of remedial education required of candidates who do not pass the law and ethics exam.

Ms. Riemersma commented that a registrant who does not pass the law and ethics examination is no more dangerous to the public in years four through six of registration than they are in years one through three, because the individual continues to work under the guidance and control of a supervisor. She noted again that private practice is a different situation.

Ms. Froistad commented about the need for at least a registration in order to bill for therapeutic services under the Mental Health Services Act.

Dr. Montez spoke in response to an earlier comment about requiring interns to pass the examination prior to earning supervised hours. She stated that while that would be the ideal, testing standards call for the balancing of public safety with fairness. She expressed that the proposed three-year limitation on the registration, pending passing of the law and ethics exam, was an attempt at balancing public protection while not standing in the way of the candidate becoming licensed. Dr. Montez noted that while consumer protection is always the priority, consideration must be given to other issues as well. She again asserted that the three-year recommendation was an effort to provide a good balance.

Discussion continued. Mr. O'Connor commented that if the Board were to adopt the three-year recommendation, there would be three years before any registration would be cancelled due to not passing the law and ethics examination. That time frame could be used to monitor and evaluate the exam performance. If problems were found that required revision of the law, there would be time to do so.

Ms. Wietlisbach asked about the number of individuals working under supervised registration who violate the laws and ethics. Ms. Riemersma noted that there are a fair number of pre-licensed individuals who face disciplinary action, though the number is less than for fully licensed individuals. Ms. Madsen commented that while supervision adds a layer of protection, supervision is not a guaranteed assurance that the individual under supervision will not violate the laws or regulations.

Mr. Wong commented that the proposed changes would have an impact on counties, many of which employ registrants, and asked if input had been received from the county agencies. He spoke about the personnel requirements in the counties, and noted that often an unlicensed individual is required to maintain a current registration with the Board in order to provide mental health services. He noted that terminating a registration after three years would result in a personnel action on the part of the county and could serve to limit access to and availability of services. Mr. O'Connor added that if an individual is not registered and therefore cannot bill for services, county revenues could be impacted. He noted that reducing the life of a registration from six years to three years could present a workforce issue.

Discussion continued. Ms. Froistad expressed support for the idea of using the initial three-year period to monitor and evaluate the exam and make changes as necessary. Dr. Montez commented that if the Committee decided to move forward with the recommendations as proposed, it would be important to communicate to the Board that the exam must be monitored because then problems could be addressed before any become workforce issues. Mr. O'Connor voiced his support for Mr. Wong's suggestion that the Board engage in conversation with county agencies in an effort to avoid the potential workforce problems.

Discussion touched on the ongoing availability of Mental Health Services Act (MHSA) funding. Mr. O'Connor and Mr. Wong both commented about the proposed use of mental health funds to offset other financial concerns in the state. Mr. Wong indicated that doing so would require extensive legislative action and was not likely to happen at the present time. He also touched briefly on the impact of the recession on mental health services funds. Ms. Riemersma and Ms. Madsen also commented about mental health services funds.

Ms. Rhine suggested that the Committee direct staff to begin drafting language for potential Board-sponsored legislation, to be presented at the next Board Meeting for consideration. She asked for direction from the committee regarding the language; whether to go with the recommendation as presented in Mr. O'Connor's report, or be given options for consideration.

Elise Froistad moved that the Committee direct staff to:

- **draft language reflecting a three-year time limit on registration pending successful completion of the law and ethics examination, and language reflecting a six-year time frame.**
- **Engage in conversation with counties and other stakeholders regarding the potential impact of a three-year time limit.**
- **Monitor the exam performance from the onset.**
- **Direct that staff gather data regarding the number of registrants who complete the required hours of supervised experience during the first three years of registration.**

Christine Wietlisbach seconded. The Committee voted 3-0 to pass the motion.

VI. Overview of the Best Practices Guide in the Use of Videoconferencing with Supervision; Presentation by Kathy Cox, Ph.D., Patty Hunter, and Jeff Layne, California State University, Chico

The item was tabled until a future Committee meeting due to the absence of the scheduled presenters.

VII. Suggestions for Future Agenda Items

No agenda items were suggested.

VIII. Public Comments for Items not on the Agenda

There were no public comments for items not on the agenda.

The meeting was adjourned at 9:56 a.m.