

Policy and Advocacy Committee Minutes February 6, 2014

Department of Consumer Affairs
1625 N. Market Blvd., #N-220
El Dorado Room
Sacramento, CA 95834

Members Present

Renee Lonner, Chair, LCSW Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Rosanne Helms, Legislative Analyst
Christy Berger, Regulatory Analyst
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

None

Guest List

On file

I. Call to Order and Establishment of Quorum

Renee Lonner, Policy and Advocacy Committee (Committee) Chair, called the meeting to order at 10:06 a.m. Christina Kitamura took roll, and a quorum was established.

Ms. Lonner indicated that SB 1441, which was listed on the agenda, will not be discussed.

II. Introductions

The Committee, Board staff, and meeting attendees introduced themselves.

III. Review and Approval of the October 30, 2013 Committee Meeting Minutes

Dr. Christine Wietlisbach moved to approve the Policy and Advocacy Committee minutes. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

Ms. Lonner took agenda items IV, V, VI, and VII out of order. These items were heard in the following order: VII, VI, V, IV.

IV. Discussion and Recommendations for Possible Action Regarding Proposed Additional Items to the Omnibus Bill Amending Business and Professions Code Sections 4980.399, 4992.09, 4999.55, 4989.16, 4989.22, and 4996.17

Rosanne Helms presented the proposed omnibus bill amendments to the following sections of the Business and Professions Code (BPC):

1. Amend BPC Sections 4980.399, 4992.09, and 4999.55 – Law and Ethics Examination

Beginning January 1, 2016, Licensed Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker (LCSW), and Licensed Professional Clinical Counselor (LPCC) registrants must obtain a passing score on a California law and ethics exam to qualify for licensure. The registrant must participate in this exam each year prior to his or her registration renewal until the exam is passed.

If the applicant fails the exam during the renewal period, he or she must take a 12-hour course in California law and ethics in order to be able to participate in the exam in his or her next renewal period.

Currently, the law states that if the registrant fails the exam within his or her first renewal period, he or she must complete the 12-hour course. The language should state that the course must be taken after any renewal period in which the exam is failed, not just the first renewal period.

Staff recommends amending the BPC sections so they no longer specify that the course must be taken only after the first renewal period in which the exam was failed.

2. Amend BPC Section 4989.16- Inclusion of LPCCs

The Licensed Educational Psychologist (LEP) licensing law states that no part of the LEP licensing law is meant to constrict or limit the practice of medicine, nursing, psychology, LMFTs, or LCSWs. LPCCs are not identified in this list.

Staff recommends adding LPCCs to this list.

3. Amend BPC Section 4989.22 – LEP Written Licensing Exam

This section mistakenly refers to both the “standard written” exam and the “clinical vignette” exam, which are applicable to the Board’s other three license types, but not applicable to LEPs.

Staff recommends deleting references to the “standard written” and “clinical vignette” licensing exams, as they are not required exams for LEP licensure.

4. Amend BPC Section 4996.17 – Law and Ethics Course for Out-of-State LCSW and ASW Applicants

The law is unclear about whether or not Associate Social Worker (ASW) applicants from out-of-state must take an 18-hour California law and ethics course. While this was the intent of this section, it currently states that an applicant with experience gained out-of-state must take the 18-hour course. However, it fails to discuss the requirement for an applicant with education gained out of state.

This omission makes it unclear whether an ASW applicant with education gained out of state would be required to take the 18-hour California law and ethics course described in this section, or the California law and ethics course described in Section 4996.18.

Staff recommends amending Section 4996.17 so that it states that an applicant with education and/or experience gained outside of California must complete an 18-hour California law and ethics course covering specified topic areas.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), referred to the law and ethics course for out-of-state LCSW and ASW applicants. Section 4996.17(a)(2) states that an applicant with education and/or experience gained outside of California shall complete an 18-hour course in California law and ethics. Mr. Caldwell states that the applicant who obtained their degree in California would have taken a law and ethics course in his or her degree program.

Christy Berger recalled a previous discussion regarding this matter. She recalled that the concern was how long ago the education was gained. Ms. Helms stated that staff could take a look at this.

Christina Wong moved to direct staff to make discussed changes, and any non-substantive changes to the proposed language and recommend that the Board consider the amendments for inclusion in the 2014 omnibus bill; and to further explore number 4 and report back to the Board. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (3-0) to pass the motion.

V. Discussion and Recommendations for Possible Action Regarding Proposed Revisions to Requirements for Out-of-State Licensed Marriage and Family Therapist Applicants

Ms. Helms presented the proposed revisions to requirements for out-of-state licensed LMFT applicants. The revisions do the following:

- Require either 48 or 60-semester unit degrees for all out-of-state applicants depending on when the Master's degree was obtained. If the applicant is required to have a 60-semester unit degree based on the timing of when the degree was obtained, he or she may remediate up to 12 semester units, if necessary. This remediation may occur while the applicant is registered as an intern.
- For applicants without an out-of-state license: Require 6-semester/nine-quarter units of practicum, 150 hours of face-to-face counseling, and an additional 75 hours of either face-to-face counseling or client-centered advocacy. No remediation of the practicum requirement is permitted.

For applicants with an out-of-state license: Require 6-semester/9-quarter units of practicum, 150 hours of face-to-face counseling experience, and an additional 75 hours of either face-to-face counseling or client-centered advocacy.

- Applicants who have been licensed for at least two years in clinical practice, are exempt from this requirement.
- Applicants who are licensed out-of-state but have held that license less than two years may remediate the entire practicum requirement by obtaining 150 hours of face-to-face counseling, and the additional 75 hours of face-to-face or client-centered advocacy, while registered as an intern. These hours must be in addition to the 3,000 experience hours already required.
- All out-of-state applicants will still be required to have 12-semester or 18-quarter units in the areas of marriage, family and child counseling and marriage and family systems approaches to treatment. This must be part of the degree program and cannot be remediated. This requirement is already in law and no further amendments are being proposed.
- All out of state applicants must have course content in California law and ethics as follows:

1. If the 2-semester unit law and ethics course was completed but does not contain California content, then the applicant must complete an 18-hour California law & ethics course.
2. If the applicant is deficient in the law and ethics course, a 2-semester unit course must be taken and must include California law and ethics content.

The required course content in California law and ethics must be obtained prior to the issuance of a license or intern registration.

- Currently, the law states that all out-of-state applicants must complete any course content requirements specified in law that they have not already completed. Under the new requirements, this must be graduate-level coursework.

At the last Committee meeting, members expressed concern that the specified coursework is just a list – there are no hour or unit requirements. While this is acceptable for in-state students, because their schools have worked with the Board to integrate these topics into the degree programs, it will be more difficult for out-of-state students and Board evaluators to judge whether or not their degree contains sufficient coverage of the listed topic areas.

For this reason, staff proposes a new section in the BPC. This section attempts to quantify the requirements listed whenever possible. In some cases, topic areas have been removed because they overlapped with other topic areas.

The amendments allow the coursework to be from an accredited or approved educational institution, or from a Board-accepted continuing education (CE) provider, as long as it is graduate-level coursework. This coursework may be remediated while registered as an intern, which previously was not going to be allowed.

- All out-of-state applicants are required to complete instruction in the principles of mental health recovery-oriented care, instruction that includes an understanding of the various California cultures, and instruction in structured meetings with various consumers and family members of mental health services. Current law requires this to be credit-level coursework (not CE), taken before registration as an intern is allowed, and there is no specification of the amount of coursework required. The new amendments require the following:
 - The instruction in mental health recovery-oriented care must be at least 3-semester units or 45 hours, and must include the structured meetings with consumers/family members training; and
 - The instruction in understanding of California cultures must be at least one-semester unit or 15 hours.

Both of these requirements can now be taken from an accredited or approved school or a CE provider, must be graduate-level coursework, and may be taken while registered as an intern.

This proposal includes an amendment to out-of-state licensee experience requirements for LMFT applicants to count time actively licensed as experience at a rate of 100 hours per month, up to 1,200 hours. Like LCSW applicants, these hours would be applied toward the required direct clinical counseling hours. Per the Committee's request, after January 1, 2016, the applicant can only do this if he or she meets the practicum requirement without exemptions or remediation. This is because Section 4980.79 proposes to allow exemptions or remediation options for the practicum requirement under certain conditions to out-of-state applicants. The

Committee did not believe an applicant should be permitted exemptions/remediation for practicum and also be able to count time actively licensed toward experience hours.

Per the Out-of-State Committee's direction at its November 2013 meeting, the following amendments were made:

1. An amendment to specify that although the additional education requirements specified by Sections 4980.78(b)(3) and (4) and 4980.79(b)(3) and (4) are permitted to be taken from a CE provider, the content of the coursework must be graduate-level.
2. An amendment to specify that the instruction in diagnosis, assessment, prognosis, and treatment of mental disorders required by Section 4980.81(a)(1) must be a minimum of 2-semester units. This must include at least one-semester unit of instruction in psychological testing, and one-semester unit in psychopharmacology.
3. An amendment to modify the requirement for California law and ethics coursework. Under the amendments, if an applicant completed a 2-semester unit law and ethics course, but the course did not contain California law and ethics content, then the applicant must complete an 18-hour course in California law and ethics.

If the applicant has not taken a 2-semester unit law and ethics course, then the applicant must take the 2-semester unit course, and the course must include content in California law and ethics.

The coursework in California law and ethics must be completed prior to issuance of a license or intern registration.

Mr. Caldwell referred to the practicum requirement. He expressed concern regarding the interpretation of "150 hours of face-to-face counseling, and an additional 75 hours of either face-to-face counseling or client-centered advocacy." The term "either" will be construed for 75 hours of one category or 75 hours of the other category. He suggested adding "or a combination thereof" to the end of that sentence.

The Committee will make a recommendation to the Board to add Mr. Caldwell's suggestion to the omnibus bill in March.

Christina Wong moved to direct staff to make discussed changes, as well as any non-substantive changes, and sponsor legislation to make the proposed amendments. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (3-0) to pass the motion.

VI. Discussion and Recommendations for Possible Action Regarding Proposed Revisions to Requirements for Out-of-State Licensed Professional Clinical Counselors

Ms. Helms presented the proposed revisions to requirements for out-of-state LPCCs.

The revision would:

- Require either 48 or 60-semester unit degrees for applicants with an out-of-state degree, depending on when Master's degree was obtained. If the applicant is required to have a 60-semester unit degree based on the timing of when the degree was obtained, he or she may remediate up to 12-semester units, if necessary. This remediation may occur while the applicant is registered as an intern.
- For applicants without an out-of-state license: Require 6-semester/9-quarter units of practicum, including 280 hours of face-to-face counseling. No remediation of the practicum requirement is permitted.

- For applicants with an out-of-state license: Require 6-semester/9-quarter units of practicum, including 280 hours of face-to-face counseling.
 - Applicants who have been licensed for at least two years in clinical practice are exempt from the practicum requirement.
 - Applicants who are licensed out-of-state but have held that license less than two years may remediate the entire practicum requirement by demonstrating completion of 280 hours of face-to-face counseling. Any post-degree hours gained to meet this requirement must be in addition to the 3,000 experience hours already required for a license and must be gained while registered as an intern.
- All out-of-state applicants who are deficient in any of the required areas of study must satisfy the deficiencies by completing graduate coursework from an accredited or approved school. The coursework must be 3-semester units or 4.5-quarter units for each content area. If not licensed in another state, this content must be remediated prior to issuance of a license or an intern registration. If the applicant is already licensed in another state, this content may be remediated while registered as an intern
- All out of state applicants must have course content in California law and ethics:
 1. If core content law and ethics course specified the BPC was completed but does not contain the California content, then applicant must complete an 18-hour California law & ethics course.
 2. If the applicant is deficient in the law and ethics core content course, the core content course must be taken, with California law and ethics content, prior to issuance of license/intern registration.

The course content in California law and ethics must be obtained prior to issuance of a license or intern registration.

- All out-of-state applicants who have not already done so must complete 15-semester units or 22.5-quarter units of advanced coursework focusing on specific treatment issues or special populations. This coursework must be in addition to the core content requirements described above. The coursework must be from an accredited or approved school. All applicants may remediate this coursework while registered as an intern.
- The Out-of-State Committee determined that the first six subject areas were now being covered in the principles of mental health recovery-oriented care (45 hours) and California cultures (15 hours) coursework that is proposed to be required of out-of-state applicants.

The remaining topic areas have now been given a required number of hours. The purpose is to make it clearer to applicants and the Board's evaluators whether or not their completed coursework is sufficient. These requirements are:

- Human sexuality (10 hours)
- Spousal/partner abuse (15 hours)
- Child abuse assessment (7 hours)
- Aging/long term care (10 hours)

- The new amendments would allow the coursework to be from an accredited or approved educational institution, or from a Board-accepted CE provider as long as its content is graduate-level. Also, an amendment has been made to allow this coursework to be remediated while registered as an intern.

- All out-of-state applicants are required to complete instruction in the principles of mental health recovery-oriented care, instruction that includes an understanding of the various California cultures, and courses that provide structured meetings with various consumers and family members of mental health services. Current law requires this to be credit level coursework (not CE), taken before registration as an intern was allowed, and there was no specification of the amount of coursework required. The proposed amendments require:
 - The instruction in mental health recovery-oriented care must be at least 3-semester units or 45 hours, and must include the structured meetings with consumers/family members training; and
 - The instruction in understanding of California cultures must be at least one-semester unit or 15 hours.

Both of these requirements can now be taken from an accredited or approved school or a CE provider, as long as the course content is graduate-level. It may be taken while registered as an intern.

- This proposal includes an amendment for out-of-state licensee experience requirements for LPCC applicants to count time actively licensed as experience at a rate of 100 hours per month, up to 1,200 hours. Like LCSW applicants, these hours would be applied toward the required direct clinical counseling hours. Per the Out-of-State Committee's request, after January 1, 2016, the applicant can only do this if he or she meets the practicum requirement without exemptions or remediation. This is because BPC Section 4999.63 is proposing to allow exemptions or remediation options for the practicum requirement under certain conditions to licensed out-of-state applicants. The Committee did not believe an applicant should be permitted both an exemption/remediation for practicum and also be able to count time actively licensed toward experience hours.

Sara Kashing, California Association of Marriage and Family Therapists (CAMFT), expressed concern regarding coursework for out-of-state LMFTs. The phrase indicating that the coursework must be at graduate-level will be confusing for CE providers to determine the definition of "graduate level" and how to satisfy that requirement. Ms. Kashing requested to add language that provides a definition or criteria.

Ms. Helms stated that the language could be changed to state that the content of the coursework must be comparable to coursework offered in master degree programs.

Ms. Madsen added that verifying the coursework is comparable to the coursework offered in Master degree programs will be an issue.

Ms. Kashing stated that a licensee needs some criteria to determine if the course they are paying for will satisfy the requirement. She asked if the phrase that indicates that the coursework must be at graduate level can be removed from the language.

Ms. Wong recalled the dialog during the Out-of-State Committee meetings. In an effort to strike a compromise, the choices were: 1) taking CE where the course content was at the graduate level, or 2) go back to school. If the CE regulations will be going into effect simultaneously with this proposal, the discretion would be upon the CE approving entities.

Ms. Madsen asked the Committee members if they were comfortable striking the language that requires coursework to be at graduate level. Ms. Wong responded no. Ms. Lonner responded yes.

Ms. Madsen reminded the Committee that the new CE regulation takes the Board out of the CE business of approving providers and reviewing course content. If the language states that the coursework should be at graduate level, it would come into conflict with the new CE regulations.

Ms. Helms stated that CE providers will have to provide documentation to those taking the course. The Board's licensing evaluators will know if the providers are finding a way around the actual intent.

Mr. Caldwell stated that the term "graduate level" introduces many questions as a CE provider and as a person taking the course. He supports removing that term from the language. Mr. Caldwell also noted that the quality of the CE courses will be much higher with the new CE regulation.

It was agreed to remove the "graduate level" requirement from the language, and replace it with "Undergraduate courses will not meet this requirement."

Renee Lonner moved to direct staff to make any discussed changes, as well as any non-substantive changes, and submit to the Board for consideration as Board-sponsored legislation. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (3-0) to pass the motion.

The Committee took a break at 11:50 a.m. and reconvened at 12:08 p.m.

VII. Discussion and Recommendations for Possible Rulemaking Action Regarding Revisions to California Code of Regulations, Title 16, Section 1820.5 and 1822; Add New Sections 1820.6 and 1820.7 Licensed Professional Clinical Counselors: Requirements to Work with Couples and Families and Supervisory Plan

Ms. Berger presented proposed rulemaking regarding LPCCs requirements to work with couples and families, and supervisory plan.

Under current law, LPCCs, interns (PCC interns), and trainees may not treat couples or families unless they complete specified training and education. As individuals attempt to gain the experience and education necessary to treat couples or families, questions have been frequently posed to staff.

- 1) How should the specialized education and experience be documented, and how will the individual know if they are acceptable?

Currently, there is no process established for this.

- 2) How would a consumer, employer or supervisee verify whether the practitioner meets the requirements to treat couples and families?

Currently, the only way the Board may determine whether a licensee or registrant meets the requirements to treat couples or families is to (1) perform random audits of licensees and registrants, (2) request documentation of qualifications if a complaint is filed against the practitioner, or (3) when a licensee has supervised MFT interns or trainees.

Staff recommends that LPCC licensees be required to submit a form to the Board upon completion of the specialized education and experience. Board staff would evaluate the documentation, and send the practitioner a letter that states he or she is now qualified to treat couples and families. This would allow the practitioner to provide the letter to consumers, employers and supervisees.

Dr. Wietlisbach stated that the Board of Occupational Therapy has a similar process already in place. Ms. Madsen responded that staff will look into their process.

Ms. Wong asked why the Board needs to be involved in the approval process, and why, if this is advanced level training, is the trainee required to take this training.

Ms. Madsen provided some background information regarding the law at the time it was enacted. To keep the mental health professions distinct, it was required that LPCCs obtain an additional 6 units of education and 500 hours of supervised experience above their core education in order to treat couples and families. That was part of the selling point to bring in this additional mental health profession.

Last year, the Board was asked what it was doing to address these questions, and at the time, the Board did not have the resources to look at the issues. The counties are looking to the Board as a regulatory agency to set the standard so that the counties can hire these individuals. The Board is in a better place now to address this matter and assist the LPCCs in their opportunities for employment in these agencies.

Dean Porter, California Association for Licensed Professional Clinical Counselor (CALPCC), stated that no other state has this requirement; couples and families counseling is part of the scope of practice.

Ms. Lonner asked if this is specialized training, or is it part of their core education. Ms. Madsen responded that they get some of the training, but it's not in depth.

Mr. Caldwell believes that they are not required to get couples and family training in the Master's degree program.

3) Must the 500 hours supervised experience be obtained from an approved supervisor?

Currently, the experience required to treat couples or families must be gained under the supervision of either an LMFT or an LPCC who has already met the requirements to treat couples and families. The code is silent on whether the supervisor must meet the qualifications of an "approved supervisor."

The law defines an "approved supervisor" as someone who:

- Has a current, valid license not under suspension or probation,
- Has not provided therapeutic services to the trainee or intern,
- Has received professional training in supervision, and
- Has documented two years of clinical experience as an LPCC, LMFT, LCSW, licensed Clinical Psychologist, or licensed Physician and Surgeon certified in Psychiatry by the American Board of Psychiatry and Neurology.

Although the "approved supervisor" definition was designed for licensing purposes, it makes sense to require the same qualifications for supervision of experience with couples and families to help ensure quality of supervision. If the "approved supervisor" definition is adopted, it would additionally allow LCSWs, licensed Clinical Psychologists, and Psychiatrists to supervise this experience. All of these professions are permitted to treat couples and families, increasing the availability of supervisors.

Dr. Wietlisbach, Ms. Lonner, and Ms. Wong all agreed that it is a good idea to expand the pool of supervisors.

Mr. Caldwell expressed that the LPCC supervisor should be qualified to work with couples and families. In regards to the other professions, Mr. Caldwell would like to ensure that the

Supervisor Responsibility Statement includes a statement that indicates the supervisor (who is not an LMFT) is qualified to provide supervision in couples and families.

- 4) Does an LPCC or PCC Intern need to meet the specialized education and experience requirements in a particular order?

The law is structured differently for LPCC licensees versus interns, and the language is unclear. Currently, a LPCC licensee who would like to begin obtaining the experience required to work with couples and families, must first complete the MFT-related 6-semester units of coursework. However, interns are not required to complete the coursework prior to obtaining the experience.

It seems unwarranted to require a higher standard of licensees than of interns. But beyond that issue, the Board may want to consider requiring both licensees and interns to complete the coursework in MFT prior to, or concurrently with, the supervised experience.

For interns, current licensing laws require all coursework be completed prior to gaining any hours of experience. For licensees, the picture is less clear.

Staff has drafted amendments to the California Code of Regulations, and proposes adding new sections for the Committee's consideration that would do the following:

- Require the 6-semester units of MFT-related education be completed prior to, or concurrently along with the supervised experience for both interns and licensees.
- Permit the Board to accept supervised experience gained before the proposed regulatory changes take effect, even if it was gained prior to completing the MFT coursework.

Mr. Caldwell recalled that it was not intended to make a different standard for interns versus licensees. He pointed out that the proposed language is drafted to state that the 6 units must be taken all at once.

- 5) How should out-of-state experience treating couples and families be evaluated?

The Board frequently receives applications from individuals licensed in another state. It has been reported that most states in the U.S. permit LPCCs to treat couples and families as part of their scope of practice. This raises the question of whether a licensee who has practiced in another state must demonstrate completion of both the supervised experience and education in order to meet California's requirements.

If an individual has been licensed and in practice for a significant amount of time, it is likely that they have experience treating couples and families. If a state's scope of practice permits treatment of couples and families, it can be assumed that the state also requires education necessary to treat these types of clients. Additionally, the National Clinical Mental Health Counselor's Examination, used by most states, contains content on couples and families.

Based on this information, staff recommends adding the following language, which would permit the Board to accept the following as evidence of meeting the experience and educational requirements.

- Be licensed in good standing in another state where the scope of practice permits treatment of couples and families, and have practiced independently for at least two years, at full-time or the equivalent.

- Continue to require those not licensed in another state for at least two years, or who are unlicensed and have out-of-state experience, to demonstrate meeting the requirements in the same manner as an in-state licensee or intern.

Mr. Caldwell stated that it is highly questionable to assume that if an individual has been licensed and in practice for a significant amount of time in another state, it is likely that they have experience treating couples and families. Regarding the assumption of the scope of practice, most states fall back on the Council for Accreditation of Counseling and Related Educational Programs (CACREP) content area requirements. CACREP does not require training in couples and families, so most states do not require any education in couples and families in order to qualify for licensure for LPCC in that state. It makes sense to have the standard remain the same for somebody getting licensed in California versus somebody coming to California with an out-of-state license. If an individual wants to work with couples and families in California, he or she needs to demonstrate the qualifications required in California to do so.

Ms. Madsen stated that if the requirement is the same for both licensees and interns, it would be less paperwork for staff to review, and it would be better for the applicant because it would be clear what they need to do.

Dr. Wietlisbach stated that this is not just a workload issue; this is about consumer protection.

The Committee agreed that the standard should be consistent for both licensees and interns.

- 6) How can an LPCC or intern who does not yet meet the requirements to treat couples and families, treat children but not the child's family?

Similar to other Board licensees, all LPCCs may provide psychotherapeutic services to individuals and groups, including children, all of whom may be treated within the scope of practice without any additional training or experience. However, treatment of children nearly always involves the child's family or legal guardian. This may also occur when the therapist is treating an adult but also needs to involve the family.

If a family requires actual treatment by the LPCC who is also treating the child (or adult), the LPCC must possess the qualifications to treat families. If the LPCC does not meet the requirements, he or she may only provide a non-therapeutic consultation with the family for issues such as treatment planning and coordination, providing resources, monitoring progress, etc.

At the request of county employers, staff recommends clarifying this issue in regulations.

Ms. Lonner stated that many child therapists would make the argument that if a therapist is seeing a child in psychotherapy, and the parents need treatment, the therapist should refer the parents to another provider.

Ms. Wong stated that it is a conflict of interest to treat a child and the parents.

Ms. Porter recommended consulting with the Department of Health Care Services (DHCS) because the counties were concerned that the DHCS would not approve the billing.

Mr. Caldwell stated that the new billing code is the same whether it is for an individual session or a family session.

Ms. Lonner suggested removing the term “non-therapeutic” from “non-therapeutic collateral consultation.”

Ms. Kashing suggested changing “collateral consultation” to “collateral contact.” Ms. Wong agreed with this suggestion.

Mr. Caldwell stated that there needs to be an appropriate distinction between treatment and non-treatment. The intention is that collateral consultation is not treatment for the purposes of scope restriction.

Ms. Lonner stated that the word “collateral” has always implied “non-treatment.”

Mr. Caldwell stated that in the proposed language, the phrase “discussing concerns” is overly vague. He also agreed with Ms. Porter’s suggestion to contact DHCS and the county directors for their input.

Ms. Berger presented proposed technical amendments regarding clinical counselor trainees in practicum and the supervisory plan form.

Current “couples and families treatment” regulations group clinical counselor trainees in practicum, with licensees and interns. Trainees have not yet completed their degree program, and are not permitted to gain hours of experience toward licensure. They also cannot gain experience toward meeting the couples and families requirement. However, trainees are permitted by law to treat “individuals, families, or groups” during practicum, and are required to work under the supervision of the school at all times.

Staff proposed an amendment to clarify that trainees may treat couples and families if they are gaining practicum hours, and to clarify that they may not count such hours toward the 500 hours of supervised experience.

Staff proposed an amendment to clarify that the *Supervisory Plan* form is only required for experience gained toward licensure, rather than couples and families experience hours.

Christina Wong moved to direct staff to make discussed changes and non-substantive changes, and submit to the Board for approval to run as a regulatory proposal. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

VIII. Discussion and Recommendations for Possible Rulemaking Action to Implement Senate Bill 704, Statutes of 2011, Chapter 387 – Examination Restructure

Ms. Berger presented several sections of the Board’s regulations that need to be revised for consistency and clarity in accordance to the exam restructure. Additionally, a number of technical amendments have been identified.

Exam-related amendments identified:

- Change the names of the exams.
- Clarify the waiting periods between attempts on the exams.
- Clarify that those eligible to take the law and ethics exam must be a registered intern or associate, or must be an active candidate in the exam process.
- Clarify the scenarios under which failure to take an exam can lead to abandonment of an application.
- Incorporate language allowing the Board to accept the national examinations for LMFT and LCSW licensure, if the examinations are determined to be acceptable by the Board.

Technical changes identified:

- Remove the ASW extension fee, as the authority for the Board to issue extensions was removed from law as of 2008.
- Minor technical amendments such as deleting obsolete language, adding “licensed” to references to marriage and family therapists, and correcting authority and reference citations.

Christina Wong moved to direct staff to make discussed changes and any non-substantive changes, and submit to the Board for approval to run as a regulatory proposal. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (3-0) to pass the motion.

IX. Legislation Update

Ms. Helms listed the legislative proposals that the Board is currently pursuing:

- Omnibus Legislation,
- LMFT and LPCC Out-of-State Applicant Requirements, and
- Child Custody Evaluators

X. Regulation Update

Ms. Berger provided a brief update.

The continuing education regulation is currently under review by the Department of Consumer Affairs.

Regulations that took effect last year:

- Implementation of SB 363, Marriage and Family Therapist Intern Experience;
- Enforcement Regulations, SB 1111; and
- Disciplinary Guidelines

Pending regulatory proposals:

- Disciplinary Guidelines and SB 1441: Uniform Standards for Substance Abuse; and
- Implementation of SB 704, Examination Restructure.

XI. Suggestions for Future Agenda Items

Mr. Caldwell stated that AAMFT-CA is taking a look at the difficulties in the profession and with becoming licensed (higher education standards and higher cost of education for student). There are various categories (“buckets”) of hours that have different minimums and maximums that can be combined for licensure. Mr. Caldwell requested the historical context regarding these numbers. He explained that this information will be helpful in AAMFT-CA’s assessment on which policy changes they may want to propose regarding the pathway to licensure.

Rebecca Gonzales, National Association of Social Workers California Chapter, requested to discuss the history behind the 18-hour law and ethics course, and why it came to be an 18-hour course. She explained that it is difficult structuring an 18-hour course, and that it is difficult for both students and instructors to devote three days to a course. She would like to discuss whether it is necessary to have an 18-hour course, and whether the course could be structured as a 12-15 hour course.

XII. Public Comment for Items not on the Agenda

No public comments were presented.

XIII. Adjournment

The meeting was adjourned at 12:44 p.m.