

## **BOARD MEETING MINUTES March 5-6, 2014**

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

### **Wednesday, March 5<sup>th</sup>**

#### **Members Present**

Dr. Christine Wietlisbach, Chair, Public Member  
Christina Wong, Vice Chair, LCSW Member  
Samara Ashley, Public Member  
Dr. Leah Brew, LPCC Member  
Deborah Brown, Public Member  
Dr. Peter Chiu, Public Member  
Betty Connolly, LEP Member  
Dr. Harry Douglas, Public Member  
Sarita Kohli, LMFT Member  
Patricia Lock-Dawson, Public Member  
Renee Lonner, LCSW Member  
Karen Pines, LMFT Member

#### **Members Absent**

Eileen Colapinto, Public Member

#### **Staff Present**

Kim Madsen, Executive Officer  
Steve Sodergren, Asst. Executive Officer  
Dianne Dobbs, Legal Counsel  
Christina Kitamura, Administrative Analyst

#### **Guest List**

On file

### **FULL BOARD OPEN SESSION**

Dr. Christine Wietlisbach, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:40 a.m. Christina Kitamura called roll, and a quorum was established. Board Members and Administrative Law Judge Karl S. Engeman introduced themselves.

#### **I. Petition for Reinstatement of License for Mimi Shevitz, MFC 25839**

Karl S. Engeman, Administrative Law Judge, opened the hearing at 8:42 a.m. Kristina Jansen, Deputy Attorney General (DAG), presented the facts of the case on behalf of the Board of Behavioral Sciences. Mimi Shevitz was represented by her attorney, Mr. Hart.

DAG Jansen presented the background of Ms. Shevitz's revocation of licensure. Mr. Hart provided an opening statement. Ms. Shevitz was sworn in. Mr. Hart presented Ms. Shevitz's

request for reinstatement of license and information to support the request, and questioned Ms. Shevitz. DAG Jansen cross-examined Ms. Shevitz. Board Members also questioned Ms. Shevitz. After Ms. Shevitz answered all questions, Judge Engeman closed the hearing at approximately 9:58 a.m.

*Dr. Wietlisbach called for a break at 10:00 a.m. The Board reconvened at 10:14 a.m.*

**II. Petition for Early Termination of Probation for Graham Danzer, ASW 29082**

Judge Engeman opened the hearing at 10:15 a.m. Stephanie Alamo-Latif, DAG, presented the facts of the case on behalf of the Board of Behavioral Sciences. Graham Danzer was not represented by an attorney.

DAG Alamo-Latif presented the background of Mr. Danzer's probation. Mr. Danzer was sworn in. Mr. Danzer presented his request for early termination of probation and information to support the request. DAG Alamo-Latif and Board Members posed questions to Mr. Danzer. Judge Engeman closed the hearing at approximately 10:55 a.m.

**III. Petition for Modification of Probation for Douglas Meyer, IMF 73370**

Dr. Chiu noted that he worked for Kaiser Permanente in Santa Clara; however, he does not know the petitioner, Douglas Meyer. Dr. Chiu expressed that his participation in Mr. Meyer's petition hearing will not present a conflict of interest.

Judge Engeman opened the hearing at 10:59 a.m. Kristina Jansen, DAG, presented the facts of the case on behalf of the Board of Behavioral Sciences. Mr. Meyer was not represented by an attorney.

DAG Jansen presented the background of Mr. Meyer's probation. Mr. Meyer was sworn in. Mr. Meyer presented his request for modification of probation and information to support the request. DAG Jansen and Board Members posed questions to Mr. Meyer. Mr. Meyer called a witness, Steve Evan Macy, who answered questions posed by Mr. Meyer, DAG Jansen, and Board Members. Judge Engeman closed the hearing at approximately 12:07 p.m.

**IV. Petition for Modification of Probation for Jennifer Weeks, MFC 47271**

Judge Engeman opened the hearing at 1:34 p.m. Stephanie Alamo-Latif, DAG, presented the facts of the case on behalf of the Board of Behavioral Sciences. Jennifer Weeks was not represented by an attorney.

DAG Alamo-Latif presented the background of Ms. Weeks' probation. Ms. Weeks was sworn in. Ms. Weeks presented her request for modification of probation and information to support the request. DAG Alamo-Latif and Board Members posed questions to Ms. Weeks. Judge Engeman closed the hearing at approximately 2:18 p.m.

**V. Suggestions for Future Agenda Items**

There were no suggestions for future agenda items.

**VI. Public Comment for Items Not on the Agenda**

There were no public comments.

The Board went into closed session at 2:20 p.m.

**FULL BOARD CLOSED SESSION**

**VII. Pursuant to Section 11126(c)(3) of the Government Code, the Board will Meet in Closed Session for Discussion and Take Action on Disciplinary Matters**

**VIII. Pursuant to Section 11126(a) of the Government Code, the Board Will Meet in Closed Session to Discuss Revision of the Board's Executive Officer Performance Evaluation Tool**

*This item was removed from the agenda.*

**FULL BOARD OPEN SESSION**

**IX. Adjournment**

The Board adjourned at approximately 4:50 p.m.

**Thursday, March 6<sup>th</sup>**

**Members Present**

Dr. Christine Wietlisbach, Chair, Public Member  
Christina Wong, Vice Chair, LCSW Member  
Dr. Peter Chiu, Public Member  
Samara Ashley, Public Member  
Dr. Leah Brew, LPCC Member  
Deborah Brown, Public Member  
Betty Connolly, LEP Member  
Dr. Harry Douglas, Public Member  
Sarita Kohli, LMFT Member  
Patricia Lock-Dawson, Public Member  
Renee Lonner, LCSW Member  
Karen Pines, LMFT Member

**Staff Present**

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

**Guest List**

On file

**Members Absent**

Eileen Colapinto, Public Member

**FULL BOARD OPEN SESSION**

Dr. Christine Wietlisbach called the meeting to order at 9:32 a.m. Christina Kitamura called roll, and a quorum was established.

**X. Introductions**

The Board Members, Board staff, and guests introduced themselves.

**XI. Approval of the November 20-21, 2013 Board Meeting Minutes**

The following corrections were made:

Page 5, line 52: Licensed Educational Psychologists

Page 12, line 18: met to develop the Board's Strategic Plan

Page 13, line 19: core competency areas

Page 13, line 47: A provider with a valid current license without sanctions

Page 13, line 52: expressed concern

Page 14, line 33-34: rewording needed

Page 18, line 47: Dr. Chiu suggested extending time to take the examination to all candidates to make it fair for everyone.

***Christina Wong moved to approve the minutes as amended. Dr. Leah Brew seconded. The Board voted (9 yea, 3 abstentions) to pass the motion.***

**XII. Executive Officer's Report**

**a. Budget Report**

Kim Madsen provided a brief summary of the Board budget report:

- 2013/2014 budget is \$8,240,648;
- As of January 31, 2014, 48% of the total budget has been spent;
- Total revenue collected is \$5,030,693.42;
- Fund condition reflects 3.2 months in reserve; and

- A \$1.4 million dollar loan repayment is scheduled this fiscal year.

The Board's 2014/2015 budget is \$9,139,000 and includes additional staffing resources for the licensing and enforcement programs. Three positions will be in the licensing program and the remaining five positions will be in the enforcement program.

Additionally, the Governor's budget includes a repayment schedule for all loans to the General Fund.

## **b. Operations Report**

Ms. Madsen provided a summary of the Operations Report. She noted that statistical data is not available for review.

The Board was approved to hire additional staff for eight (8) new positions. Ms. Madsen met with the executive staff at the Department of Consumer Affairs (DCA) and requested to fill some of the new positions now instead of waiting until July, provided the Board's fund could support the hiring of new staff. Since the Board's fund can support the new hires, Ms. Madsen decided to fill the most critical positions immediately: three positions in Licensing Unit and an additional manager and analyst in the Enforcement Unit.

The Board office will soon undergo a remodel to accommodate the new staff. The cost of the project is estimated to be \$200,000. Construction will begin in mid-spring and be completed in July.

The Board managers continue to evaluate current processes and functionality in the BreEZe system. The managers identified that the Examination Unit as an area that needed additional resources. A position was redirected to the Examination Unit to address re-exam applications and questions.

The Cashier Unit was another unit that needed additional resources. Since moving to BreEZe, staff noticed that additional steps were now required for cashiering processes that cannot be handled by current staffing resources in the Cashier Unit. The Board recruited for a seasonal clerical position to assist with routine clerical duties required in the Cashier Unit.

A seasonal clerk was recruited for the Enforcement Unit to perform clerical and archiving duties.

The Board began using the services of the DCA Call Center to answer incoming phone calls. The Call Center is the first point of contact for the public seeking to speak to Board staff.

The Board is also using the resources of AARP, a federal program, for an additional staff person.

## **c. Personnel Update**

Joanna Huynh was promoted to Staff Services Analyst in the Licensed Professional Clinical Counselor (LPCC) Unit, effective January 1, 2014.

Julie Ruprecht was hired as an Office Technician in the Enforcement Unit, effective January 13, 2014.

Crystal Martinez was hired as a Fingerprint Technician in the Enforcement Unit. Ms. Martinez vacated this position 8 months ago, and returns to the Board effective January 21, 2014.

Lupe Baltazar was promoted to a Management Services Technician in the Licensing Unit. Effective March 3, 2014, Ms. Baltazar will act as a Marriage & Family Therapist (MFT) Evaluator.

Andrea Flores was hired as a Management Services Technician in the Licensing Unit. Effective March 10, 2014, Ms. Flores will act as an MFT Evaluator.

Angie Ramos-Zizumbo has accepted a promotion to an Associate Governmental Program Analyst with the Department of Public Health. Her last day with the Board will be February 28, 2014. Angie performed the duties of an Enforcement Analyst.

It was originally reported that Alicia Day would be transferring to the Central Cashiering Unit within DCA. Ms. Day has decided to remain with the Board.

Over the next few months, management will be recruiting for vacancies created by the recent promotions, departures, and for the new positions.

### **XIII. BreEZe Update**

Brandon Rushman, Project Manager for BreEZe, provided a status of the BreEZe project.

Statistical reports are not yet available. The BreEZe team is working on those reports. There are some enhancements in BreEZe that need to be made. Mr. Rushman thanked Board staff for working with the BreEZe team while they work with the vendor to make these changes.

The team had some contract challenges that have not allowed the team to get as many updates into the system as they would like. The team is working with vendor to revise the maintenance structure so that the enhancements can get into the system in a more timely fashion. The team acknowledges the need to be more flexible so that when problems come up, the team will have the ability to respond. Therefore, they asked the vendor to divert resources to Release One, in order to make Release One successful and keep it successful before the team focuses on other boards and bureaus that are still on Legacy.

Discussions began this week with the vendor. The priority is to make Release One successful.

### **XIV. Strategic Plan Update**

Following the adoption of the 2014-2017 Strategic Plan at the November Board Meeting, Board managers met with SOLID to identify the tasks necessary to accomplish each objective within the Strategic Plan. For each objective, there are several tasks needed to complete the objective. Each task was assigned a due date. Due dates were determined using legislative direction and the desire to distribute the work equally across the span of time within the Strategic Plan.

The Strategic Plan is an internal working document that will aid Board staff to ensure the goals and objectives are achieved. Updates regarding the progress in achieving the goals and objectives in the Strategic Plan will be reported at each Board meeting.

Currently, some objectives have been completed, and work has begun on several other objectives.

## XV. Policy and Advocacy Committee Report

### a. Recommendation #1 – Regarding Proposed Additional Items to the Omnibus Bill Amending Business and Professions Code Sections 4980.36, 4980.399, 4992.09, 4999.55, 4989.16, 4989.22, and 4996.17

Several omnibus bill amendments were approved by the Board at its November 2013 meeting. Staff has identified a need for additional amendments since that time. Rosanne Helms presented the proposed additional items to the omnibus bill:

#### 1. Amend Business and Professions Code (BPC) §4980.36 – Practicum Hours

At the February 2014 Policy and Advocacy Committee meeting, a concern regarding the current law was discussed. The law stating 75 hours must be either client centered advocacy or face-to-face counseling implies that no combination of the two can be credited toward the 75 hours. Staff does not believe this was the intent of the Board.

Recommendation: Amend the BPC to state that 75 hours must be either client centered advocacy, face-to-face counseling, or a combination thereof.

#### 2. Amend BPC Sections 4980.399, 4992.09, and 4999.55 – Law and Ethics Exam – 12-Hour Course

Beginning January 1, 2016, LMFT, Licensed Clinical Social Worker (LCSW), and 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. This statement is technically incomplete. The course must be taken after any renewal period in which the exam is failed, not just the first renewal period.

Recommendation: Amend the BPC so that it no longer specifies that the course must be taken only after the first renewal period in which the exam was failed.

#### 3. Amend BPC Sections 4980.399, 4992.09, and 4999.55 – Law and Ethics Exam – Subsequent Registration Number

A current proposed amendment approved by the Board at its November 2013 meeting would allow a registrant needing a subsequent registration number between January 1, 2016 and January 1, 2017 to obtain it without first passing the California law and ethics exam.

Currently, the proposed language states that an applicant needing a subsequent registration number within this timeframe could obtain one without passing the California law and ethics exam *“as long as the examination is passed at the next renewal period or prior to licensure, whichever occurs first.”*

Recommendation: Amend the proposed language to replace the term *“at the next renewal period”* with the term *“during the next renewal period”*. This would increase clarity of exactly when the exam must be passed.

4. Amend BPC §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.

Recommendation: Add LPCCs to this list.

5. Amend BPC §4989.22 – LEP Written Licensing Exam

There is only one LEP licensing exam, referred to as the “written examination.” This section mistakenly refers to both the “standard written” and the “clinical vignette” exams, which are applicable to the Board’s other three license types, but not applicable to LEPs.

Recommendation: Delete references to the “standard written” and “clinical vignette” licensing exams, as they are not required exams for LEP licensure.

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

The law is unclear about whether or not unlicensed applicants from out-of-state must take an 18-hour California law and ethics course. While this was the intent of §4996.17, the section 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 unlicensed applicant with education gained out-of-state would be required to take the 18-hour California law and ethics course described in §4996.17, or the California law and ethics course described in §4996.18.

The use of the term “experience” gained out-of-state also implies that someone who got their education in California, but went out-of-state to obtain their experience, would still need to take an additional 18-hour California law and ethics course even if the course was included in their California Master’s degree program.

Recommendation: Amend the BPC to replace the term “experience” with the term “education.” The law would then state that an applicant with education gained outside of California must complete an 18-hour California law and ethics course covering specified topic areas.

Janlee Wong, National Association of Social Workers California Chapter (NASW-CA), commented on the law and ethics course. He stated that the 18-hour course is excessive and should not be 18 hours in length. He also stated that there is a discrepancy between the 12-hour course and the 18-hour course, explaining that an Associate Clinical Social Worker (ASW) is required to take a 12-hour course when he/she fails an exam. However, an LCSW from another state is required to take an 18-hour course.

Ms. Helms responded that an ASW has already had the coursework in their degree program. The 12-hour course is a “refresher” course. The out-of-state LCSW is coming to California without experience in California.

***Leah Brew moved to direct staff to make any discussed changes, and any non-substantive changes to the proposed language and submit to the legislature for inclusion of the 2014 omnibus bill. Renee Lonner seconded. The Board voted unanimously (12-0) to pass the motion.***

**b. Recommendation #2 – Regarding Possible Action Regarding Proposed Revisions to Requirements for Out-of-State Licensed Marriage and Family Therapists**

In 2013, the Board formed the Out-of-State Education Review Committee (Committee) to examine concerns about upcoming changes to the education requirements for out-of-state LMFT applicants. There were concerns that the out-of-state requirements may be too stringent, restricting portability of these license types to California.

Specific areas of concern included the following:

- Lack of ability, under the new requirements, to remediate certain coursework while registered as an intern;
- Lack of ability, under the new requirements, to remediate certain coursework through continuing education classes; and
- Lack of hour or unit requirements for several required course topics, making it unclear to applicants and Board evaluators whether or not coursework taken was sufficient to satisfy the requirement.

Ms. Helms presented the Committee's proposed amendments to the out-of-state LMFT requirements, which would apply to applicants beginning January 1, 2016.

1. Required Units

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.

2. Practicum

- a. For applicants without an out-of-state license: Require six-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.
- b. For applicants with an out-of-state license: Require six-semester/nine-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 (2) years in clinical practice are exempt from this requirement.
  - Applicants who are licensed out-of-state but have held that license less than two (2) 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.

3. Marriage, Family and Child Counseling Content

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.

#### 4. California Law and Ethics Content

All out-of-state applicants must have course content in California law and ethics as follows:

- If the two-semester unit law and ethics course specified in BPC §4980.81(a)(7) was completed but does not contain California content, then the applicant must complete an 18-hour California law & ethics course.
- If the applicant is deficient the law and ethics course specified by BPC §4980.81(a)(7), a two-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.

#### 5. Course Content Requirements

Committee members expressed concern that the coursework as specified in BPC §4980.36(d) is only 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.

Staff proposes a new section in the BPC that would quantify the requirements listed in BPC §4980.36(d) 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.

#### 6. Principles of Mental Health and Cultures Coursework

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 three-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.

#### Additional Amendment - Experience Credit for Time Actively Licensed in Another State

The BPC sets examination eligibility requirements for LMFT applicants who are licensed out-of-state. One of the requirements is that the applicant's supervised experience is

substantially equivalent to the Board's experience requirements. It states that the Board will consider out-of-state experience obtained during the six-year period immediately preceding the date the applicant obtained his or her out-of-state license.

If a licensee has been licensed out of state for many years, it may be inappropriate to look only at experience obtained prior to licensure. The Board's out-of-state LCSW applicants are permitted to count time actively licensed at a rate of 100 hours per month up to a maximum of 1,200 hours, if they are short hours of supervised experience. These hours are applied toward the required direct clinical counseling hours. This method takes into account experience as a licensee in addition to pre-licensure experience.

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 BPC §4980.79 proposes to allow out-of-state applicants exemptions or remediation options for the practicum requirement under certain conditions. 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.

#### Clarification Regarding Practicum

Current law requires an LMFT applicant to obtain 150 hours of face-to-face counseling experience, and an additional 75 hours of either client centered advocacy or face-to face experience counseling individuals, couples, families, or groups.

At the February 2014 Policy and Advocacy Committee meeting, a concern regarding the current law was discussed. It was discussed that the law stating 75 hours must be either client centered advocacy or face-to-face counseling implies that no combination of the two can be credited toward the 75 hours. Staff does not believe this was the intent of the Board. Therefore, this language has been updated in Sections 4980.78 and 4980.79, and in §4980.36 in the omnibus bill to state that the 75 hours must be client-centered advocacy, face-to-face counseling, or a combination thereof.

#### Continuing Education Coursework

At its February 2014 meeting, the Policy and Advocacy Committee discussed a concern regarding the proposal to allow some coursework to be remediated through a Board-accepted CE provider.

This proposal allows certain coursework, including human sexuality, spousal or partner abuse, principals of mental health recovery-oriented care, and understanding of California cultures, to be obtained through a continuing education provider, as long as the content of the coursework is of a graduate level.

The Out-of-State Education Committee had recommended this language to ensure that CE coursework was taught at a master's level, rather than at an undergraduate or introductory level. However, a concern was raised at the Policy and Advocacy Committee meeting that there is no straightforward way to define for applicants and CE providers exactly what makes each required course a graduate-level course.

The Board is in the process of proposing new CE regulations. These regulations are expected to be approved this summer and are expected to become effective in early 2015.

When the new CE regulations become effective, the Board will no longer be approving CE providers. Instead, the Board will accept CE credits only from providers who have been approved or registered by a Board-recognized approval agency, or by an entity that is recognized by the Board as a CE provider.

Due to the new CE requirements coming online at approximately the same time as this proposal would go into effect, the Policy and Advocacy Committee recommended that the Board consider removing the requirement that CE coursework be “*of a graduate level*” from the proposed language.

Dr. Brew referred to the service credit for out-of-state licensees. Older degrees have fewer hours than what is required now. Dr. Brew asked if someone who has an older degree and practiced for 30 years would have to remediate the practicum and start collecting intern hours. Ms. Helms confirmed that was correct. Dr. Brew expressed that this penalizes experienced licensees.

Dr. Brew referred to the CE coursework. She recommended not removing the requirement that CE coursework “be of a graduate level.” She explained that the National Board of Clinical Counselors (NBCC) is a CE provider for LMFTs, and NBCC is going to ensure that it is graduate-level work. Dr. Brew feels that it will deter people from taking undergraduate classes to meet the requirement.

Sarita Kohli asked how one remediates practicum when there is no mechanism to remediate practicum. Ms. Kohli suggested using language that clarifies how to remediate practicum.

Ms. Helms replied that the proposed amendments outlined under “Practicum” provide a way to remediate practicum.

Ms. Kohli asked if current California licensees will be 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.

Ms. Madsen replied that it is not required, but it can be fulfilled through CE.

Ms. Kohli stated that this coursework is very important.

Dr. Wietlisbach suggested this as a future agenda item.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), stated that one of the most common complaints AAMFT-CA receives from out-of-state licensees is how difficult it is to become licensed in California. One of the most common outcomes of that process is that people give up because it is going to take several years and thousands of dollars.

Mr. Caldwell commented on the “graduate level” CE coursework. Concerns have been raised by CE providers that they do not understand, operationally, what that means. AAMFT-CA wants the education to be at a high level, but they do not want the requirements to have such an effect on providers who may be unwilling to provide the coursework.

Mr. Caldwell expressed that his preference is to remove the phrase.

Ms. Lonner stated an undergraduate-level course is not sufficient to meet the requirement. It may be easier to specify what does not qualify as graduate-level coursework, rather than to define “graduate-level coursework.”

Ms. Madsen recalled the reason why the Committee voted to remove the phrase, explaining that the phrase was specifically attached to CE providers. The language specifically states that the content of the coursework must be of a graduate level. That takes care of the university issue. The issue is the definition of “graduate level” to a CE provider. If the phrase is left in the language, the Board must define the phrase so that CE providers are compliant.

Mr. Wong, NASW-CA, requested the Board to keep in mind that graduate-level courses and CE courses are completely different from each other.

Mr. Caldwell agreed with Ms. Lonner’s comment regarding undergraduate-level coursework.

Sara Kashing, California Association of Marriage and Family Therapists (CAMFT), stated that it is very important to define “graduate-level coursework.” Ms. Kashing feels there will be a lot of confusion unless this is clarified.

Mr. Caldwell suggested using language that specifies that if coursework is taken at an undergraduate level, it is not sufficient to meet the standard.

Dianne Dobbs, DCA Legal Counsel, feels that it will still cause confusion because “undergraduate level” needs to be defined.

Dr. Wietlisbach suggested not specifying “undergraduate level” but instead state that “undergraduate coursework” is not sufficient.

Ms. Helms suggested coursework taken from an accredited school, college or university must be of a graduate-level.

*The Board took a break at 11:14 a.m. and reconvened at 11:32 a.m.*

After further discussion, the following language was suggested: Undergraduate courses will not meet this requirement.

***Patricia Lock-Dawson moved to accept discussed changes, and to direct staff to make discussed changes and any non-substantive changes to the proposed language and submit to the legislature as Board-sponsored legislation. Dr. Peter Chiu seconded. The Board voted unanimously (12-0) to pass the motion.***

**c. Recommendation #3 – Regarding Possible Action Regarding Proposed Revisions to Requirements for Out-of-State Licensed Professional Clinical Counselors**

Most of the proposed revisions for the out-of-state LPCCs are identical to the proposed revisions for the out-of-state LMFTs. Ms. Helms presented the revisions that were different from the out-of-state LMFTs.

**1. Required Units**

The Out-of-State Education Committee (Committee) proposed the same revision as proposed for the out-of-state LMFTs.

**2. Practicum**

- a. For applicants without an out-of-state license: Require six (6) semester/nine (9) quarter units of practicum, including 280 hours of face-to-face counseling. No remediation of the practicum requirement is permitted.

- b. For applicants with an out-of-state license: Require six (6) semester/nine (9) quarter units of practicum, including 280 hours of face-to-face counseling.
  - Applicants who have been licensed for at least two (2) 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.

### 3. Core Content Requirements

All out-of-state applicants who are deficient in any of the required areas of study listed in BPC §4999.33(c)(A)-(M) must satisfy the deficiencies by completing graduate coursework from an accredited or approved school. The coursework must be three (3) semester 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.

### 4. California Law and Ethics Content

The Committee proposed the same revision as proposed for the out-of-state LMFTs.

### 5. Advanced Coursework

All out-of-state applicants who have not already done so must complete 15 semester 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. The coursework must be from an accredited or approved school. All applicants may remediate this coursework while registered as an intern.

### 6. Additional Coursework Requirements

Current law states that the applicant must complete the coursework specified in BPC §4999.33(d) if they had not already done so.

The Committee determined that the first six (6) 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 to make it clear to applicants and the Board's evaluators whether or not their completed coursework is sufficient. These requirements match the hour requirements that had previously been required in degrees:

- 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.

## 7. Principles of Mental Health and Cultures Coursework

The Committee proposed the same revision as proposed for the out-of-state LMFTs.

### Additional Amendment - Experience Credit for Time Actively Licensed in Another State

The Committee proposed the same revision as proposed for the out-of-state LMFTs.

### Continuing Education Coursework

The Committee proposed the same revision as proposed for the out-of-state LMFTs.

Dr. Brew referred to the core content requirements. She asked if there are a minimum number of courses that the applicant must have, or are they only required to have the 48 units. Ms. Helms responded that they must have the 48 units. Dr. Brew was concerned that an applicant can have 48 units in courses not related to counseling and be allowed to make up all of the core content courses.

Ms. Berger clarified that the core content courses can be remediated as long as the degree was in "counseling in nature."

Dr. Brew stated that there are other states that have very low, very minimal requirements, and applicants with those degrees should not be practicing in California.

Dr. Brew also noted that at least seven (7) of the core content courses are standard courses across the country. She suggested requiring a minimum number of the core courses, specifically, seven (7) courses as the minimum.

Charles Johnson, LPCC Evaluator, stated that many of the degree programs were not designed to meet the requirements of the current law. He asked if it was possible for either staff to determine on a case-by-case basis to determine what is substantially equivalent, or bring to Board to determine on a case-by-case basis what is substantially equivalent.

Ms. Madsen stated that in-state applicants, who received degrees in counseling before the law was enacted, are required to have ten (10) of the core content courses. Some of those in-state applicants have only four (4) quarter units, not 4.5 quarter units; and they cannot remediate. If the Board requires out-of-state applicants to have seven (7) of those courses, that will raise conflict.

Ms. Dobbs reminded the Board to not make decisions without regulations in place. When staff makes decisions on a case-by-case basis for a matter such as this, the Board is at risk of doing underground regulations.

Dr. Douglas suggested a mechanism where an applicant would have to pass an examination. If the applicant fails the exam, he/she would then be required to take the deficient coursework.

Ms. Madsen responded that Dr. Douglas' suggestion appears to be an educational component, and the Board does not get involved with that as a regulatory agency. The testing comes after the educational requirements are met.

Dr. Brew stated that seven (7) out of ten (10) courses would be a reasonable requirement.

Ms. Berger requested that the Board take into consideration that four (4) of the required courses were added in 2012 and are California specific, and out-of-state applicants are not going to have these courses.

Mr. Johnson added that in the grandparenting process, applicants had difficulty meeting seven (7) of the courses and had to apply through the out-of-state path.

Ms. Brown expressed that she does not want any advantage given to either in-state applicants or out-of-state applicants.

Dean Porter, California Association for Licensed Professional Clinical Counselors (CALPCC), stated that other states have various requirements regarding practicum. Many states measure the practicum by the total of hours instead of units; for example, 700 hours. Some states require a 3-credit practicum. Only five states list a direct client requirement. Ms. Porter suggested allowing non-licensed applicants to remediate the practicum.

Ms. Madsen stated that practicum cannot be remediated. The Board can move forward with the proposals as presented. In the meantime, staff can track these applicants, and if it is discovered that there are a significant number of applicants that fall into this category, the Board can revisit this matter.

In regards to CE coursework, the changes that applied to the LMFTs CE coursework will apply to the LPCC CE coursework (“undergraduate courses will not meet this requirement”).

Ms. Helms summarized the amendments to the Proposed Language for LPCCs regarding core content areas that were discussed:

- Page 6, item (1)(A): For applicants who obtained their degree within the timeline prescribed by Section 4999.33(a), the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction, and must include 3.5 semester or 4 quarter units in the 7 of the 13 core content areas.
- Page 6, item D(i): An applicant whose degree is deficient in no more than 6 of the required areas.

***Renee Lonner moved accept the discussed changes and to direct staff to make any discussed changes, as well as any non-substantive changes, and submit to the legislature as Board-sponsored legislation. Deborah Brown seconded. The Board voted unanimously (12-0) to pass the motion.***

The Board took a break at 12:28 p.m. and reconvened at 1:45 p.m.

**d. Recommendation #4 – Regarding Possible Rulemaking Action Regarding Revisions to the 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 the proposed rulemaking action regarding additions and revisions to the LPCC requirements to work with couples and families and the supervisory plan.

LPCCs may not treat couples or families unless they complete specified training and education:

1. Either six (6) semester or nine (9) quarter units focused on theory and application of marriage and family therapy, or a named specialization or emphasis area of the qualifying degree in marriage (or marital) and family therapy, marriage, family and child counseling, or couple and family therapy;
2. At least 500 hours of documented supervised experience working directly with couples, families or children; and

3. Completion of at least six (6) hours of CE specific to marriage and family therapy during each two-year renewal cycle.

Currently, there is no process established by law to determine whether a practitioner has met these requirements. Several questions have been raised as individuals attempt to gain the experience and education necessary to treat couples or families.

This issue was addressed by the Policy and Advocacy Committee (Committee) at its November 2012 meeting, as well as the full Board at its November 2012 meeting. The Board approved the originally proposed language; however, staff has not yet begun the regulatory process. This provides the opportunity to answer additional questions that have arisen:

1. How should the specialized education and experience be documented, and how will the LPCC or PCC Intern know if the coursework and experience is acceptable?
2. How would a consumer, employer or supervisee verify whether the practitioner meets the requirements to treat couples and families?

At this time, licensees and registrants are not required to obtain Board approval prior to treating couples or families. Once practitioners determine they have met the requirements, they may begin treating couples or families. 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 (or that he or she has not met the requirements and why). This would allow the practitioner to provide the letter to consumers, employers and supervisees.

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" as defined in law, which pertains to experience required for licensure.

Although the "approved supervisor" definition was designed for licensing purposes, it makes sense to require the same qualifications for supervision of couples and families experience 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.

Staff recommends an amendment to require the experience be supervised by an "approved supervisor."

4. How can a 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.

If a family requires actual treatment by the LPCC who is also treating the child, then the LPCC must possess the qualifications to treat families. If the LPCC does not meet the requirements, he or she may only provide collateral contact with the family for issues such as treatment planning, providing resources, monitoring progress, etc.

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

Other technical amendments are proposed regarding clinical counselor trainees in practicum, the Weekly Summary of Experience Hours form, 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 is proposing 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.

At its February 2014 meeting, the Policy and Advocacy Committee (Committee) discussed the following issues and recommended that staff take the proposal to the Board for consideration:

1. The Committee recommended clarifying that those who supervise licensees or interns gaining experience required to treat couples and families must themselves have sufficient training to competently practice marriage and family therapy in California.
2. The Committee considered whether an LPCC licensee or intern should be required to meet the specialized education and experience requirements in a particular order.

Currently existing regulations require licensees to complete the six units of coursework before beginning the 500 hours of supervised experience. However, interns are permitted to complete the coursework and experience in any order. The Committee believed it was not warranted to require a different standard for licensees than for interns. Additionally, requiring a certain order for completion would be more complicated for staff to implement and more challenging for stakeholders to accomplish.

3. The Committee considered whether applicants who have held a license in another state for at least two years should be subject to a streamlined process.

All other states in the U.S. permit LPCCs to treat couples and families as part of their scope of practice, and the National Mental Health Counselors Examination, used by most states, contains content on couples and families. However, the Committee concluded that even individuals who have been licensed and in practice for a significant amount of time cannot be assumed to have adequate training to treat couples and families. The Committee decided it would be best to continue to require out-of-state licensees to demonstrate that they meet the requirements in the same manner any other applicant.

Dr. Brew explained that the reason why other states permit LPCCs to treat couples and families as part of the scope of practice is because some “perceive a systemic way of working with couples and families as one theoretical orientation.”

***Renee Lonner moved to direct staff to make any discussed changes, and any non-substantive changes, and to run as a regulatory proposal. Sarita Kohli seconded. The Board voted unanimously (12-0) to pass the motion.***

**e. Recommendation #5 – Regarding Possible Rulemaking Action to Implement Senate Bill 704, Statutes of 2011, Chapter 387 – Examination Restructure**

Dr. Wietlisbach tabled this item. Tabling this item will not affect the implementation date of January 1, 2016.

**XVI. Discussion and Possible Action Regarding Possible Rulemaking Action to Implement Senate Bill 1441, Statutes of 2008, Chapter 548, Uniform Standards for Substance Abusing Licensee**

The Board approved the Uniform Standards for Substance Abusing Licensee regulations at its November 2012 meeting. However, DCA Legal has requested one additional amendment to clarify that the Board has the authority to impose additional probation terms, above and beyond what the uniform standards prescribe, if determined necessary for public protection.

Board staff drafted amendments which incorporated the uniform standards into the Disciplinary Guidelines, as appropriate. Standards 13 through 16 were not incorporated. These standards involve either diversion programs, which the Board does not have, or data collection, which is an internal Board function not appropriately addressed through regulations.

The resulting “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” consists of four parts:

1. Uniform Standards Related to Substance Abuse: This is a new section and would apply to licensees or registrants who test positive for a controlled substance, or whose license or registration is on probation due to a substance abuse problem.
2. Penalty Guidelines: This section was already part of the Disciplinary Guidelines; it lists types of violations and the range of penalties that may be imposed.
3. Disciplinary Orders: This section was already part of the Disciplinary Guidelines. It contains language for proposed optional and standard terms and conditions of probation. It has been modified, where appropriate, to include the new uniform standards related to substance abuse.
4. Board Policies and Guidelines: Already part of the Disciplinary Guidelines, this section explains the policies and guidelines for various enforcement actions.

***Patricia Lock-Dawson moved to direct staff to make any discussed or any non-substantive changes and to pursue as a regulatory proposal. Dr. Peter Chiu seconded. The Board voted unanimously (12-0) to pass the motion.***

**XVII. Legislative Update**

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

- AB 2213 - LMFT and LPCC Out-of-State Applicant Requirements

The Board discussed and approved the proposed language earlier in this meeting (March 6<sup>th</sup>).

- AB 1843 - Child Custody Evaluations: Confidentiality

Staff is scheduling meetings with stakeholders to discuss the bill and specifics of the language. The first meeting will take place on March 7<sup>th</sup>.

- **Omnibus Legislation**

This bill has not been introduced yet. The Board discussed and approved the proposed language earlier in this meeting.

### **XVIII. Rulemaking Update**

Ms. Berger reported on the following regulations:

- **Continuing Education**

This proposal is currently under review by the Business, Consumer Services, and Housing Agency.

- **Disciplinary Guidelines and SB 1441: Uniform Standards for Substance Abuse**

The Board discussed and approved this proposal earlier in this meeting. Staff will submit the proposal to OAL for publication in the California Regulatory Notice Register, which will begin the 45-day public comment period.

- **Requirements for Licensed Professional Clinical Counselors to Treat Couples or Families**

The Board discussed and approved this proposal earlier in this meeting. Staff will submit the proposal to OAL for publication, which will begin the 45-day public comment period.

- **Implementation of SB 704, Examination Restructure**

A revised proposal was approved by the Policy and Advocacy Committee at its meeting in February 2014. Staff plans to bring this proposal for consideration by the Board at its meeting in May 2014 once additional details have been worked through.

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

Dr. Chiu suggested a future discussion regarding the Board's role in supporting and promoting mental health, and what the Board can do to de-stigmatize mental health so people will seek mental health support.

Ms. Kohli suggested a future discussion regarding possible requirements for current California licensees 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.

### **XX. Public Comment for Items Not on the Agenda**

There were no public comments.

### **XXI. Adjournment**

The Board adjourned at 2:19 p.m.