

Policy and Advocacy Committee Minutes August 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
Deborah Brown, Public Member
Christina Wong, LCSW Member

Staff Present

Steve Sodergren, Asst. Executive Officer
Marc Mason, Administrative Manager
Christy Berger, Regulatory Analyst
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

Dr. Christine Wietlisbach, Public Member

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 8:38 a.m. Christina Kitamura took roll, and a quorum was established.

II. **Introductions**

Ms. Lonner introduced Deborah Brown as a new member to the Committee.

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

III. **Approval of the April 3, 2014 Committee Meeting Minutes**

The following edits were suggested:

- Page 1 line 26: add a period at end of the sentence.
- Page 4 line 40: Ms. Wong expressed that 45 days to review license applications and issue licenses is impossible.
- Page 8 line 11: Ms. Wong expressed that when looking at the needs of a child who has experienced a crisis or traumatic experience *from the removal*, treatment for that child can be stabilizing.
- Page 13 line 24: remove "must."

Renee Lonner moved to approve the Policy and Advocacy Committee minutes as amended. Christina Wong seconded. The Committee voted (2 yea, 1 abstention) to pass the motion.

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

Christy Berger presented SB 704 regarding Examination Restructure.

Effective January 1, 2016, the Board's examination process will be changing. Licensed Clinical Social Worker (LCSW) and Licensed Marriage and Family Therapist (LMFT) applicants will be required to pass two new exams that replace the existing exams. Additionally, for LCSW, LMFT and Licensed Professional Clinical Counselors (LPCC) applicants, the timing of when examinations must be taken will change.

The Board approved the examination restructure in 2010 and sponsored legislation that allows for those changes. In order to fully implement the restructured program, the Board needs to revise its regulations to incorporate the new requirements and to ensure that the regulations are consistent with the examination process authorized by the new law.

Currently, the Board requires applicants for licensure to pass two examinations upon completion of all other licensure requirements. Once an applicant passes a standard written examination, they are eligible to take a clinical vignette examination.

In February 2008, the Board initiated an extensive analysis of its examination program and conducted a holistic review of the Board's examination program. The recommendations that resulted in the legislation are making changes to the timing and type of exams.

The Exam Types:

- A California Law and Ethics exam
- A Clinical exam

These new exams replace the Standard Written and the Clinical Vignette exams currently in place for the LCSW and LMFT licensing programs. The LPCC program already uses a law and ethics exam.

A national exam is already in place for the LPCC program, and will be implemented for the LCSW program.

Timing of Exams for Registrants:

Currently, applicants take both exams upon completion of all other requirements for licensure. Under the new exam sequence, registered interns and associates will be required to take the law and ethics exam until passed; and if not passed the first time, to take the exam a minimum of once per one-year renewal cycle until passed. The clinical exam will be taken after passing the law and ethics exam and completion of all other licensure requirements.

Impact on Registrant Renewals and Issuance of Subsequent Registration Numbers:

A registrant will not be permitted to renew his or her registration without having taken the law and ethics exam during the prior renewal period unless the registrant has already passed. Subsequent intern or associate registration numbers will no longer be issued unless the applicant has passed the exam.

Law and Ethics Course for Registrants:

Registrants who did not take and pass the law and ethics exam will be required to take a 12-

hour continuing education course on law and ethics in order to continue to be eligible to take the law and ethics exam.

Differences for Registrants vs. Applicants who are Not Registrants:

A “registrant” means an individual who holds a current or delinquent registration. The requirements under the exam restructure are different for a registrant than for an applicant who is not a registrant.

The Board’s 2014 Omnibus Bill, SB 1466 would provide the following grace periods:

- Permits those with an intern or associate registration that expires prior to 06/30/2016, to renew between 01/01/2016 and 06/30/2016 without first taking the law and ethics exam.
- Permits those who apply for a second (or third, etc.) intern or associate registration, between 01/01/2016 and 12/31/2016, to obtain that registration without first passing the law and ethics exam. These applicants may be issued a new registration, but must pass the exam before that registration may be renewed.

Regulations are necessary in order to implement the examination restructure. The Board approved earlier versions of the regulatory proposal at its November 2011 and February 2013 meetings. However, since that time, the restructure’s effective date was delayed to 2016. Additionally, staff has been meeting regularly to work out potential implementation issues that could arise, as well as needed technical changes. Therefore, staff is requesting reconsideration of this updated proposal.

Ms. Berger reviewed the proposed regulatory changes that are needed for consistency and clarity. The proposed changes would:

- Change the names of the exams and describe what the new examinations are designed to assess.
- Clarify the criteria for eligibility to take the law and ethics exam to indicate that the applicant must either:
 - Hold a current, delinquent or cancelled intern registration,
 - Have an approved examination eligibility (licensure) application.
- Clarify the time frames during which a registrant or applicant must take the California Law and Ethics examination.
- Clarify the waiting periods between exam attempts.
- Change application abandonment criteria to fit the new application process.
- 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.
- Make technical amendments such as removing obsolete language.

Ms. Brown suggested creating a flow chart of this process.

Mr. Sodergren added that online videos are another tool that Board staff is considering.

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

V. Legislation Update

Marc Mason gave a brief update on legislation:

- AB 2213, LMFT and LPCC Out-of-State Applicant Requirements, has been referred to the Senate Appropriations Committee.
- SB 1466, Omnibus Bill, has been referred to the Assembly Appropriations Committee.
- AB 1843, Child Custody Evaluations, has been referred to the Senate Appropriations Committee.
- SB 570, Advanced Alcohol and Drug Licensing Act, is currently being heard in the Senate Appropriations Committee.
- AB 2396, Expungement, went on suspense.

VI. Suggestions for Future Agenda Items

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA), suggested a discussion regarding the requirement for applicants to provide sealed transcripts after conferring their Master's Degree. It takes the schools at least a few months to produce a sealed transcript after an applicant earns their degree. This delays the application process for the applicant. NASW-CA would like to see this process changed so that the Board could accept a "non-sealed" transcript or a letter from the school. The current requirement (sealed transcript) delays the application process.

VII. Public Comment for Items not on the Agenda

There were no public comments.

VIII. Adjournment

The meeting was adjourned at 9:12 a.m.