

**TITLE 16. DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed at a hearing to be held at the Hyatt Islandia Hotel and Marina, 1441 Quivira Road, San Diego, CA 92109, on Thursday, May 20, 2004 at 1:30 p.m. The telephone number of the Hotel is 619-224-1234.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 12, 2004 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret or make specific Sections 4980.40, 4980.50, 4984.7, 4992.1, 4996.3, and 4996.4, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Repeal Section 1815, amend Sections 1816.2, 1816.3, 1833.3, and 1877, and adopt Section 1829.

Business and Professions Code Sections 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, and 4996.17 delineate the mandates placed upon the Board to ensure that all candidates for licensure as a Marriage and Family Therapist (MFT) or Licensed Clinical Social Worker (LCSW) obtain the appropriate education and experience and successfully pass the required examinations.

Senate Bill 363 (SB 363), effective January 1, 2004, authorizes the Board to administer a written examination, an oral examination, or both for MFT and LCSW applicants. SB 363 also permits the Board to require these applicants to take and pass another written examination after successfully completing the first one. The Board adopted the elimination of the oral examination and the addition of another written examination titled a written "clinical vignette" examination, for MFT and LCSW applicants on November 13, 2003.

The proposed changes will further clarify the legislative amendments, implement the Board's decision, and conform regulations to current law, as follows:

- a) Repeal Section 1815 of Division 18 of Title 16. This Section currently relates to the oral examination appeals process.

- b) Amend Section 1816.2 of Division 18 of Title 16 to replace references to “marriage, family and child counselor” with “marriage and family therapist”, clearly define the examination and re-examination fees for the MFT and LCSW standard written examination and the written clinical vignette examination, and eliminate the reference to the fees for the MFT and LCSW oral examination and re-examination.
- c) Amend Section 1816.3 of Division 18 of Title 16 to eliminate the oral examination appeal fees, clarify the rescoring fees for any MFT or LCSW written examination, and replace the reference to “marriage, family, and child counselor” with “marriage and family therapist.”
- d) Adopt Section 1829 in Article 4 of Division 18 of Title 16 to clearly explain the testing areas within the MFT standard written examination and the MFT written clinical vignette examination.
- e) Amend Section 1833.3 of Division 18 of Title 16 to eliminate the reference to the terms “written or oral” examination and clarify that the reexamination timeframes apply to any MFT examination.
- f) Amend Section 1877 of Division 18 of Title 16 to clearly explain the testing processes and testing areas within the LCSW standard written examination and the written clinical vignette examination.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

“Recommendations for Addressing California’s Shortage of Social Workers,” California Assembly Human Services Committee (November 2002), the November 13, 2003 Board Meeting Minutes, Letter from the Department of Consumer Affairs’ Office of Examination Resources to the Board, dated December 10, 2003.

Impact on Jobs/New Businesses:

The Board has determined that these regulatory proposals will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions. These proposed regulatory actions will benefit candidates for licensure by reducing the amount of time taken to obtain licensure by expediting the examination process and will reduce the examination fee.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory actions would not have any effect on small businesses as these proposals apply to individual applicants in the MFT and LCSW examination process.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposals described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the address listed under Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed actions and has available all the information upon which the proposals are based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposals are based may be obtained upon request from Julie McAuliffe at the Board of Behavioral Sciences, 400 R Street, Suite 3150, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by

making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Julie McAuliffe
Address: 400 R Street, Suite 3150
Sacramento, CA 95814
Telephone No.: 916-445-4933, extension 1142
Fax No.: 916-323-0707
E-Mail Address: BBSWebMaster@bbs.ca.gov

The backup contact person is:

Name: Sherry Mehl
Address: 400 R Street, Suite 3150
Sacramento, CA 95814
Telephone No.: 916-445-4933
Fax No.: 916-323-0707
E-Mail Address: BBSWebMaster@bbs.ca.gov

Web Site Access: Materials regarding this proposal can be found at www.bbs.ca.gov.