Board of Behavioral Sciences

1625 North Market Blvd.
Suite S-200
Sacramento, CA 95834
(916) 574-7830
TDD (800) 326-2297
Fax (916) 574-8625
www.bbs.ca.gov

BOARD MEETING NOTICE
August 18-19, 2016

Department of Consumers Affairs
Hearing Room, 1st Floor
1625 North Market Blvd.
Sacramento, CA 95834

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to technical difficulties or limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

AGENDA
Thursday, August 18, 2016
1:00 p.m.

FULL BOARD OPEN SESSION - Call to Order and Establishment of Quorum

I. Petition for Modification of Probation for Alejandro Barela, ASW 67503

II. Petition for Early Termination of Probation for Traci D. Bianchi Templin, IMF 80402

III. Public Comment for Items not on the Agenda

IV. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

V. Pursuant to Section 11126(c)(3) of the Government Code, the Board will meet in Closed Session for discussion and to take action on disciplinary matters, including the above Petitions, and any Other Matters. The Board will also, pursuant to Section 11126(a)(1) of the Government Code, meet in Closed Session to evaluate the performance of the Executive Officer.

FULL BOARD RECONVENE TO OPEN SESSION

VI. Adjournment

Governor
Edmund G. Brown Jr.
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

Friday, August 19, 2016
8:30 a.m.

FULL BOARD OPEN SESSION - Call to Order and Establishment of Quorum

VII. Introductions*

VIII. Consent Approval of the May 12-13, 2016 Board Meeting Minutes

IX. Consent Approval of the August 2, 2016 Board Meeting Minutes

X. Chair Report

a. Announcement of the Policy and Advocacy Committee Members
b. Board Member Activities
c. Procedures for Discussions During Board Meeting
d. Recognition of Board Staff for Years of Service

XI. Executive Officer's Report

a. Budget Report
b. Operations Report
c. Personnel Report

XII. Strategic Plan Update

XIII. Supervision Committee Update

XIV. Examination Restructure Update

XV. Discussion and Possible Action Regarding Proposed Revisions to the BBS Logo

XVI. Discussion and Possible Action Regarding Establishing a Board Policy to Remove Board Newsletters from the Board Website After 5 Years

XVII. Discussion and Possible Action Regarding the Addition of Taking and Passing the Law and Ethics Examination as a Probation Term

XVIII. Discussion and Possible Action Regarding Section 100 Rulemaking Proposal to Make Non-substantive Changes to California Code of Regulations, Title 16, Division 18

XIX. Status of Board-sponsored Legislation and Update on Other Legislation Affecting the Board; Possible Action

a. Assembly Bill 1917 (Obernolte) Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants
b. Senate Bill 1478 (Senate Business, Professions, and Economic Development Committee) Omnibus Bill
c. Proposed Legislation in Response to *North Carolina State Board of Dental Examiners v. Federal Trade Commission* Supreme Court Decision; SB 1194, SB 1195 or Similar Bill

XX. Status of Board Rulemaking Proposals

a. Standards of Practice for Telehealth: Add Title 16, CCR Section 1815.5
b. English as a Second Language: Additional Examination Time: Add Title 16, CCR Section 1805.2

XXI. 2017 Board Meeting Dates

XXII. Suggestions For Future Agenda Items

XXIII. Public Comment for Items Not on the Agenda

XXIV. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This agenda as well as board meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Christina Kitamura
Administrative Analyst

Telephone: (916) 574-7835

Subject: **May 2016 Board Meeting Minutes**

The May 2016 Board Meeting Minutes will be provided under a separate cover.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830, (800) 326-2297 TTY, (916) 574-8625 Fax
www.bbs.ca.gov

Governor Edmund G. Brown Jr.
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

DRAFT BOARD MEETING MINUTES
August 2, 2016

The Board of Behavioral Sciences met via teleconference at the following locations:

Department of Consumer Affairs
San Diego Room
1625 North Market Blvd., Ste. S206
Sacramento, CA 95834

5506 Ranchito Ave.
Sherman Oaks, CA 91401

1213 Newell Road
Palo Alto, CA 94303

6767 Green Valley Road
Placerville, CA 95667

242 N. Villa Ave.
Willows, CA 95988

8740 Washington Blvd.
Culver City, CA 90232

2400 Moorpark Ave., Ste. #300
San Jose, CA 95128

1223 University Ave., Ste. 230
Riverside, CA 92507

North County LGBTQ Resource Center
3220 Mission Ave., Ste. C
Oceanside, CA 92058

Members Present
Deborah Brown, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Dr. Scott Bowling, Public Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Max Disposti, Public Member
Sarita Kohli, LMFT Member
Renee Lonner, LCSW Member
Christina Wong, Chair, LCSW Member

Members Absent
Samara Ashley, Public Member
Dr. Leah Brew, LPCC Member

Karen Pines, LMFT Member
Christine Wietlisbach, Public Member

Staff Present
Angelique Scott, Legal Counsel
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Guests
Guests in attendance at the Sacramento location. Refer to sign-in sheet.

FULL BOARD OPEN SESSION

I. Call to Order and Establishment of Quorum

Deborah Brown, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 10:09 a.m. Christina Kitamura called roll, and a quorum was established. Public attendees were only in attendance at the Department of Consumer Affairs location in Sacramento.

II. Suggestions for Future Agenda Items

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA), requested a discussion regarding streamlining the application process for applicants with expunged records. Ms. Gonzalez referred to the use of police reports, specifically, due to potential bias contained in those reports.

Angelique Scott, Legal Counsel to the Board, called for a recess at 10:15 a.m. Sarita Kohli joined the meeting at 10:24 a.m. The Board reconvened at 10:24 a.m.

III. Public Comments on Items not on the Agenda

No public comments.

FULL BOARD CLOSED SESSION

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

FULL BOARD OPEN SESSION

V. Adjournment

The Board returned to open session at 10:44 a.m., and adjourned at 10:44 a.m.

2015/2016 Budget

The Board's budget for FY 2015/2016 was $10,351,000. June 30, 2016 marked the end of the fiscal year. FY 15/16 expenditures received to date total $10,193,944 or 98% of the Board's budget. The chart below provides a breakdown of expense categories and percentages.

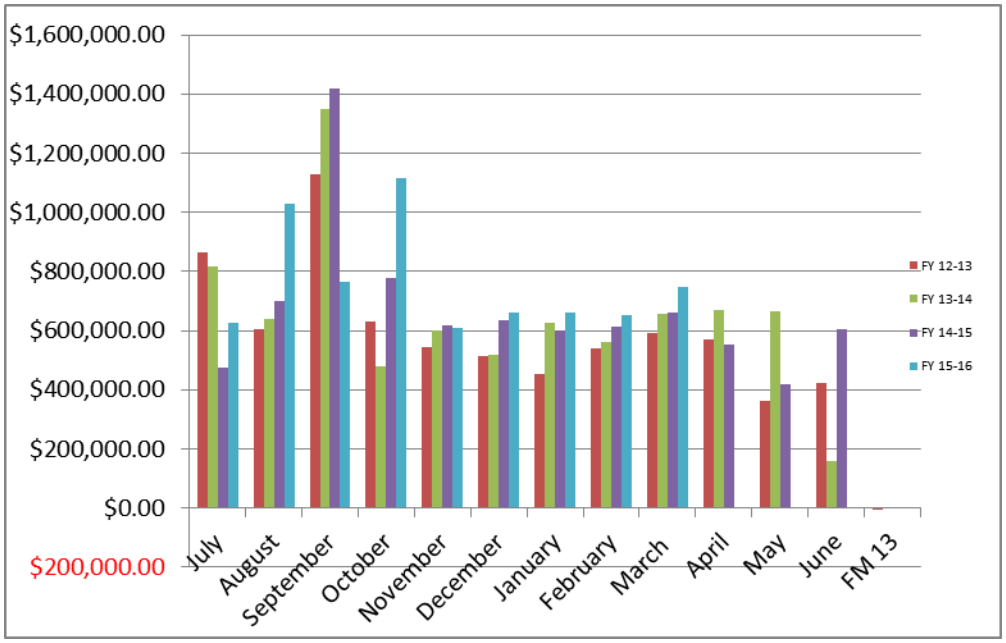
Expense Category	Amount	Percentage
Personnel	$3,978,559	38%
OE&E	$4,367,340	42%
Enforcement	$1,310,984	13%
Minor Equipment *Includes LPCC exp*	$537,067	5%
Total Expenses	**$10,193,144**	**98%**

The final figures (FM13) are not available yet. Board projections indicate that the Board's expenditures may exceed $100,000. To ensure the Board does not exceed its expenditure authority, the Board is working with the DCA Budget Office.

As of March 31, 2016, the Board had collected $6,867,323.22 in total revenue.

Month	FY 12-13	FY 13-14	FY 14-15	FY 15-16
July	$865,553.99	$817,394.34	$475,567.98	$627,284.68
August	$605,609.87	$641,178.70	$698,635.93	$1,026,917.57
September	$1,130,230.37	$1,349,479.66	$1,419,736.29	$764,549.24
October	$631,685.86	$480,531.87	$779,134.95	$1,114,396.16
November	$545,880.97	$600,316.56	$617,891.41	$610,736.93
December	$514,784.93	$516,264.24	$635,199.34	$662,114.82
January	$452,850.71	$625,528.05	$601,512.09	$662,285.92
February	$541,115.50	$559,755.55	$612,208.93	$652,365.63
March	$593,123.75	$655,619.38	$662,167.83	$746,672.27
April	$569,381.90	$670,839.44	$554,415.62	
May	$360,131.06	$663,732.55	$420,330.14	
June	$421,329.60	$158,802.68	$606,750.69	
FM 13	($266.97)	$388.71	$2,096.87	

The chart below provides a fiscal year comparison of the Board's monthly revenue.



Board Fund Condition

The Board's Fund Condition report reflects 5.7 months in reserve. Projections for the FY 2016/2017 budget indicate a scheduled repayment of $6.3 million dollars which will provide the Board 9.9 months in reserve. By law, the Board may only have 24 months in reserve.

2016/2017 Budget

The Board's FY 2016/2017 budget is projected to be $11,373,000. This figure includes the additional 8.5 staff positions for the licensing and examination units. Additionally, this figure includes the Board's share of cost ($123,000) for two budget change proposals sought by the Department of Justice (DOJ) Attorney General's Office (AG). These proposals seek to add additional staff resources in the AG Licensing Section and implement the AG reporting requirements pursuant to Senate Bill 467.

As part of the annual budget process, the Governor will release an adjusted FY 2016/2017 budget in May. Commonly referred to as the May Revise, this adjusted budget incorporates any changes to the budget that occurred during the budget hearing process and state revenues. The May Revise is not expected to impact the Board's new positions or the increased AG costs noted above.

BBS EXPENDITURE REPORT FY 2015/16

OBJECT DESCRIPTION	FY 2014/15 ACTUAL EXPENDITURES	FY 2015/2016 BUDGET ALLOTMENT	CURRENT AS OF 6/30/2016	PROJECTIONS	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	2,193,060	2,718,000	2,369,773	2,515,000	203,000
Salary & Wages (Stat Exempt)	91,989	91,000	104,976	105,000	(14,000)
Temp Help (907)(Seasonals)	85,680	0	86,694	-	-
Temp Help (915)(Proctors)	0	0	0	0	0
Board Memb (Per Diem)	18,600	13,000	20,500	22,000	(9,000)
Overtime	23,670	2,000	9,363	9,500	(7,500)
Totals Staff Benefits	1,268,659	1,530,000	1,387,253	1,415,000	115,000
Salary Savings					
TOTALS, PERSONAL SERVICES	3,681,658	**4,354,000**	**3,978,559**	**4,066,500**	**287,500**
OPERATING EXP & EQUIP					
Fingerprint Reports	17,872	15,000	16,659	17,000	(2,000)
General Expense	93,648	58,000	92,874	95,000	(37,000)
Printing	**92,313**	**32,000**	**106,109**	**108,000**	(76,000)
Communication	14,909	24,000	12,087	13,500	10,500
Insurance	0	0	0	0	0
Postage	**41,072**	**65,000**	**40,752**	**45,000**	20,000
Travel, In State	**105,321**	**59,000**	**95,619**	**105,000**	(46,000)
Travel, Out-of-State	1,237	72,000	0	0	72,000
Training	**2,496**	**25,000**	**2,525**	**3,000**	22,000
Facilities Operations	204,700	228,000	226,175	230,000	(2,000)
Utilities	140	4,000	0	0	4,000
C&P Services - Interdept.	0	15,000	0	0	15,000
C&P Services-External Contracts	**8,527**	**281,000**	**22,408**	**22,500**	258,500
DEPARTMENTAL PRORATA					
DP Billing (424.03)	885,579	1,591,000	1,591,110	1,591,000	0
Indirect Distribution Costs (427)	485,370	645,000	645,000	645,000	0
Public Affairs (427.34)	14,575	42,000	42,000	42,000	0
D of I Prorata (427.30)	13,408	16,000	16,000	16,000	0
Consumer Relations Division (427.:	15,988	0	0	23,000	(23,000)
OPP Support Services (427.01)	0	1,000	0	1,000	0
Interagency Services (OER IACs)	255,469	325,000	219,870	260,000	65,000
Consolidated Data Services (428)	33	26,000	260	500	25,500
Data Proc (Maint,Supplies,Cont) (43:	16,296	14,000	35,603	26,000	(12,000)
Statewide Pro Rata (438)	388,161	410,000	409,928	410,000	0
EXAM EXPENSES					
Exam Site Rental (Four Points)	41,656	100,000	60,853	66,000	34,000
Exam Contract (PSI) (404.00)	425,073	359,000	534,955	535,000	(176,000)
C/P Svs - Expert Examiners (404.01	0	45,000	0	0	45,000
C/P Svs - External Subj Matter (404	180,090	365,000	196,553	220,000	145,000
ENFORCEMENT					
Attorney General	898,872	802,000	906,129	910,000	(108,000)
Office of Admin. Hearing	202,462	155,000	215,815	250,000	(95,000)
Court Reporters	14,546	0	20,950	30,000	(30,000)
Evidence/Witness Fees	28,475	95,000	84,090	95,000	0
Division of Investigation	217,959	84,000	84,000	84,000	0
LPCC	*402,885*		*504,576*	*510,000*	(510,000)
Minor Equipment (226)	**46,164**	**9,000**	**29,123**	**30,000**	(21,000)
Equipment, Replacement (452)	**6,846**	**0**	**3,362**	**3,400**	(3,400)
Equipment, Additional (472)	**1,918**	**16,000**	**0**	**0**	16,000
Vehicle Operations	**0**	**19,000**	**0**	**0**	19,000
TOTAL, OE&E	5,124,060	**5,997,000**	**6,215,385**	**6,386,900**	**(389,900)**
TOTAL EXPENDITURES	**$8,805,718**	**$10,351,000**	**$10,193,944**	**$10,453,400**	**$102,400**

Reimbursements	FY 14/15 FM 13	Budget Alotment	Current as of 6/30/2016
Fingerprints	(14,488)	(24,000)	(17,155)
Other Reimbursements	(6,815)	(26,000)	(150,928)
Unscheduled Reimbursements	(184,138)		
Total Reimbursements	(205,440)	(50,000)	(168,083)

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

0773 - Behavioral Science
Analysis of Fund Condition

Prepared 4.12.16

(Dollars in Thousands)

2016-17 Governor's Budget

Inlcudes proposed May Revise Finance Letter

		Actual 2014-15	CY 2015-16	Governor's Budget BY 2016-17	BY +1 2017-18
BEGINNING BALANCE		$ 3,309	$ 3,958	$ 5,386	$ 11,682
Prior Year Adjustment		$ 119	$ -	$ -	$ -
Adjusted Beginning Balance		$ 3,428	$ 3,958	$ 5,386	$ 11,682
REVENUES AND TRANSFERS					
Revenues:					
125600	Other regulatory fees	$ 74	$ 68	$ 73	$ 73
125700	Other regulatory licenses and permits	$ 2,680	$ 3,218	$ 7,739	$ 5,517
125800	Renewal fees	$ 5,019	$ 4,780	$ 4,917	$ 4,917
125900	Delinquent fees	$ 90	$ 71	$ 74	$ 74
141200	Sales of documents	$ -	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -	$ -
150300	Income from surplus money investments	$ 9	$ 2	$ 4	$ 31
150500	Interest interest from Interfund loans	$ 321	$ -	$ -	$ -
160100	Attorney General Proceeds of Anti-Trust	$ 1	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 3	$ 3	$ 3	$ 3
161400	Miscellaneous revenues	$ 4	$ 4	$ 4	$ 4
Totals, Revenues		$ 8,201	$ 8,146	$ 12,814	$ 10,619
Transfers from Other Funds					
F00001	GF loan repayment per item 1170-011-0773 BA of 2002	$ 1,000	$ 3,600	$ -	$ -
F00001	GF loan repayment per item 1110-011-0773 BA of 2008	$ -	$ -	$ 3,000	$ -
F00001	GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ -	$ 3,300	$ -
Totals, Revenues and Transfers		$ 9,201	$ 11,746	$ 19,114	$ 10,619
Totals, Resources		$ 12,629	$ 15,704	$ 24,500	$ 22,301
EXPENDITURES					
Disbursements:					
1110 Program Expenditures (State Operations)		$ 8,664	$ 10,301	$ -	$ -
1111 Program Expenditures (State Operations)		$ -	$ -	$ 11,323	$ 11,167
MRFL - Examination Vendor Cost		$ -	$ -	$ 1,482	$ 915
8860 FSCU (State Operations)		$ -	$ -	$ -	$ -
8880 Financial Information System for California		$ 7	$ 17	$ 13	$ -
Total Disbursements		$ 8,671	$ 10,318	$ 12,818	$ 12,082
FUND BALANCE					
Reserve for economic uncertainties		$ 3,958	$ 5,386	$ 11,682	$ 10,219
Months in Reserve		4.6	5.0	11.6	11.0

Board Statistics

Attached for your review are the quarterly performance statistics for the fourth quarter of FY 2015/2016.

Licensing Program

Application volumes increased in the fourth quarter. The increase is attributed to new applications for registration as an intern/associate due to graduation, as well as the ongoing and increasing number of Law and Ethics Examination applications.

Application Volumes

Application Type	4th Quarter 04/01/16-06/30/16	3rd Quarter 01/01/16-03/31/16	Difference
MFT Intern	669	480	+ 39%
MFT Examination*	2401	1166	+ 106%
ASW Registration	790	411	+ 92%
LCSW Examination*	1697	1006	+ 69%
LEP Examination	33	14	+ 136%
LPCC Intern	194	162	+ 20%
LPCC Examination*	243	153	+ 59%

*This total represents CA Law & Ethics exam for license type and also includes Clinical exam applications for LMFTs and LCSWs.

Days to Process Application

License Type	4th Quarter FY 15/16	3rd Quarter FY 15/16	Difference
MFT Intern	11 days	12 days	-1 day
MFT Examination	26 days	45 days	- 19 days
ASW	10 days	12 days	- 2 days
LCSW Examination	30 days	27 days	+ 3 days
LEP Examination	12 days	11days	+ 1 day
LPPC Intern	30 days	36 days	- 6 days
LPCC Examination	24 days	39 days	-15 days

A total of 995 initial licenses were issued in the fourth quarter. As of July 1, 2016 the Board has 106,137 licensees and registrants. This figure includes all licenses that have been issued that are current and/or eligible to renew.

LICENSE POPULATION (As of 7/1/16)				
License Type	**Active**	**Current In-Active**	**Delinquent**	**Total Population**
Registrants				
MFTI	16,155	N/A	3,628	19,783
ASW	12,955	N/A	2,793	15,748
PCI	1,694	N/A	246	1,940
Total Registrant	30,804	N/A	6,667	37,471
Licensees				
LMFT	32,847	4,394	3,119	40,360
LCSW	19,935	2,502	1,760	24,197
LEP	1,326	453	416	2,195
PCE	0	N/A	0	0
LPCC	1,277	71	42	1,390
Total Licensee	56,002	7,310	5,486	68,142
Total Population	86,806	7,310	12,021	**106,137**

Examination Program

The Board administered 5,486 examinations in the fourth quarter. Of this number, 4,006 were Law and Ethics examinations. 753 candidates participated in the Association of Social Work Board (ASWB) national examination. Eleven examination development workshops were conducted from April to June.

Administration Program

The Board received 10,451 applications in the fourth quarter, a 43% increase since last quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the third quarter. Online renewal activity decreased 26% since last quarter.

RENEWAL ACTIVITY		
	Number of Renewals	**Percentage**
DCA Processed	7,748	67%
BBS Processed	546	5%
Online Renewal	3,253	28%
Total	11,547	

Enforcement Program
The Enforcement staff received 270 consumer complaints and 232 criminal convictions in the fourth quarter. 482 cases were closed and 20 cases were referred to the Attorney General's office for formal discipline. 27 Accusations and 2 Statement of Issues were filed this quarter. The number of final citations for the fourth quarter is 39. The average number of days to complete Formal Discipline was 828 days.

Continuing Education Audits
In January 2016, the Board resumed auditing licensees for compliance with the continuing education requirements. From January to June, a total of 217 licensees were randomly selected for the audit. A total of 76 licensees failed the audit (25%). The top three reasons for failing the audit are as follows.

- Failed to take the required 6 hour Law and Ethic course
- Missing first time requirements
- Continuing Education course was taken from an unapproved provider

The pass fail rate by license type is as follows. It should be noted that continuing education requirements for LEPs were effective January 1, 2012.

License Type	Pass Percentage	Fail Percentage
LCSW	75%	24%
LMFT	78%	21%
LPCC	74%	26%
LEP	58%	38%

Outreach Activity
Board staff either physically attended the following events or participated via a phone conference.

April 2016

- April 2, 2016 Orange County MFT Consortium/CAMFT Intern Faire
- April 3, 2016 CSCSW meeting
- April 15-16, 2016 CALPCC Conference – San Jose, CA
- April 17, 2016 NASW Lobby Days – Sacramento, CA

May 2016

- May 6, 2016 Sacramento MFT Consortium Meeting
- May 12-14, 2016 CAMFT Annual Conference – Los Angeles, CA
- May 18, 2016 Orange County Consortium Meeting
- May 19, 2016 Inland Empire Consortium Meeting
- May 20, 2016 Fresno MFT Consortium Meeting
- May 20, 2016 CSCSW Meeting – San Jose, CA
- May 24-26, 2016 NBCC State Licensure Board Symposia – Reston, VA

June 2016

- June 13, 2016 Central Coast MFT Consortium Meeting
- June 17, 2016 Orange County CAMFT Chapter Meeting – Costa Mesa, CA
- June 17, 2016 Sacramento CAMFT Chapter Meeting – Sacramento, CA

The Board's summer 2016 newsletter will be published in August.

QUARTERLY STATISTICAL REPORT FY 2015-2016

This report provides statistical information relating to various aspects of the Board's business processes. Statistics are grouped by unit.

CASHIERING

Renewals Processed In-House	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	290	411	311	207	243	113	63	137	120	142	113	34	**2184**
Closed	371	356	430	270	106	199	158	200	188	234	145	167	**2512**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**

Renewals Processed By DCA Central Cashiering	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	2819	3219	3198	2658	2502	2236	2286	2312	2145	2409	2637	1342	**29763**
Closed	3391	3004	3157	2952	1933	2579	2523	2334	2875	2939	2250	2559	**32496**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**

BreEZe Activity	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Online Renewals	1323	1253	1374	1348	1366	1233	1298	1353	1459	1386	1397	470	**15260**
Online Cert Reorder	N/A	N/A	N/A	N/A	67	61	110	1349	1495	85	106	72	**3345**

Application Payments Processed In-House**	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	2150	2727	2466	2179	2031	1441	1776	1911	2261	2299	1515	6637	**29393**
Closed	2694	2268	1870	2427	2388	2949	1490	1675	2151	1437	2397	4966	**28712**
Process Time	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**

***These totals represent all other applications and do not include renewal applications*

LICENSING

The Board's Licensing Unit evaluates applications for registration and examination eligibility. This involves verifying educational and experience qualifications to ensure they meet requirements defined in statute and regulation.

Initial Licenses Issued	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
LMFT	197	188	171	219	235	503	50	23	81	194	41	351	**2253**
LCSW	78	130	103	135	146	297	49	38	73	81	113	176	**1419**
LEP	15	8	4	5	4	3	4	5	7	8	0	2	**65**
LPCC	7	10	6	16	0	6	6	12	9	12	4	13	**101**
TOTAL	297	336	284	375	385	809	109	78	170	295	158	542	**3838**
LMFT Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	177	277	187	160	212	27	369	403	394	444	308	1773	**4731**
Approved	270	263	248	263	298	374	245	1061	478	232	983	1638	**6353**
Process Time	45	44	47	51	51	51	55	52	45	37	22	20	**43**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**
LCSW Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	129	143	125	132	85	56	220	336	450	418	276	1524	**3894**
Approved	198	184	251	172	89	205	130	227	849	170	953	1452	**4880**
Process Time	41	31	15	12	18	27	42	34	27	29	28	32	**28**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**
LEP Examination Eligibility Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	15	16	7	8	4	5	2	7	5	**9**	**2**	**22**	**102**
Approved	17	5	19	16	4	8	6	0	0	**8**	**5**	**20**	**108**
Process Time	12	15	14	8	7	**5**	15	12	11	**9**	**11**	**15**	**11**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**

LPCC Examination Eligibility Applications	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
Received	2	9	23	13	10	2	58	47	48	49	34	160	**455**
Approved	12	8	9	10	11	11	22	14	108	14	97	185	**501**
Process Time	16	20	24	32	32	32	33	43	39	35	18	19	**29**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**
LMFT Intern Registration Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	446	488	390	277	279	120	186	272	222	159	145	365	**2984**
Approved	397	416	418	558	365	280	167	305	382	183	155	269	**3626**
Process Time	11	15	22	13	11	13	15	10	12	15	8	11	**13**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**
ASW Registration Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	398	367	310	240	227	83	134	149	128	120	106	564	**2262**
Approved	535	427	478	315	228	201	156	182	151	206	90	353	**2969**
Process Time	15	21	19	11	11	12	16	11	12	12	7	12	**13**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**
LPC Intern Registration Applications	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	64	127	98	62	60	52	65	54	43	40	37	117	**702**
Approved	78	70	86	82	62	89	56	33	74	51	43	75	**724**
Process Time	13	21	30	33	34	32	30	37	36	35	26	30	**30**
Process Time Less Def Lapse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**N/A**

EXAMINATION

The Board's Examination Unit processes complaints and performs other administrative functions relating to the Board's examination processes.

Examinations Administered	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	YTD
LCSW Written	216	253	250	372	586	0							**1677**
LCSW L&E							138	346	408	444	504	695	**2535**
LCSW CV	125	135	121	194	554	0							**1129**
ASWB Clinical							15	59	107	252	148	353	**934**
LMFT Written	348	388	458	607	666	0							**2467**
LMFT L&E							107	394	724	616	627	984	**3452**
LMFT CV	277	256	228	326	997	0							**2084**
LMFT Clinical							17	79	257	132	186	386	**1057**
LPCC Traditional L&E	14	7	7	7	13	0	18	8	15	38	34	64	**225**
LEP	14	12	4	11	11	0	17	12	14	8	7	8	**118**
Total Exams Administered	**994**	**1051**	**1068**	**1517**	**2827**	**0**	**312**	**898**	**1525**	**1490**	**1506**	**2490**	**15678**
Examination Workshops	**3**	**5**	**4**	**6**	**3**	**3**	**3**	**3**	**2**	**4**	**4**	**3**	**39**

ENFORCEMENT

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. The pending total is a snapshot of all pending items at the close of a quarter.

Complaints ***(Complaint Intake*)***	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	94	111	105	101	64	85	94	90	107	114	74	82	1121
Closed without Assignment for Investigation	15	22	16	2	25	12	27	41	22	29	20	20	251
Assigned for Investigation	90	85	66	101	48	60	67	57	84	94	57	67	876
Average Days to Close or Assigned for Investigation	5	6	6	7	8	8	8	9	5	6	4	6	7
Intake Pending	4	9	32	27	17	28	31	17	17	11	9	5	207

Convictions/Arrest Reports	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Received	108	86	110	87	71	66	38	84	92	74	53	105	974
Closed / Assigned for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Assigned for Investigation	91	95	98	95	87	74	38	68	95	82	57	102	982
Average Days to Close	2	5	3	5	7	5	2	3	4	4	2	2	4
Intake Pending	17	8	20	12	8	0	1	17	13	5	1	3	105

Complaint Intake * Complaints received by the program

*INVESTIGATION***													
Desk Investigation	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	174	168	157	179	149	140	124	136	190	178	127	183	1905
Closed	175	134	188	192	140	208	170	145	150	179	141	142	1964
Average Days to Close	117	99	94	112	95	105	74	120	92	61	108	87	97
Pending	525	573	555	538	537	459	411	373	422	413	386	430	
Field Investigation (Non-Sworn)	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	7	11	7	12	3	4	4	8	3	12	2	7	80
Closed	1	7	8	4	17	6	9	5	15	2	5	2	81
Average Days to Close	166	105	176	155	107	92	110	151	144	243	128	62	137
Pending	33	37	36	41	26	23	19	23	12	23	20	25	
Field Investigation (Sworn)	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Assigned	1	4	1	5	1	3	3	2	3	2	4	2	31
Closed	6	4	4	5	2	4	2	2	3	2	7	2	43
Average Days to Close	175	367	351	323	426	267	310	172	115	271	343	147	272
Pending	36	36	33	30	29	27	28	28	25	25	21	23	
All Investigations	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
First Assignments	182	183	165	196	153	147	131	146	196	192	133	192	2016
Closed	182	145	200	201	159	218	181	152	168	183	153	146	2088
Average Days to Close	153	190	207	197	209	155	165	148	117	192	193	99	169
Pending	565	619	596	609	592	509	458	424	459	461	427	478	

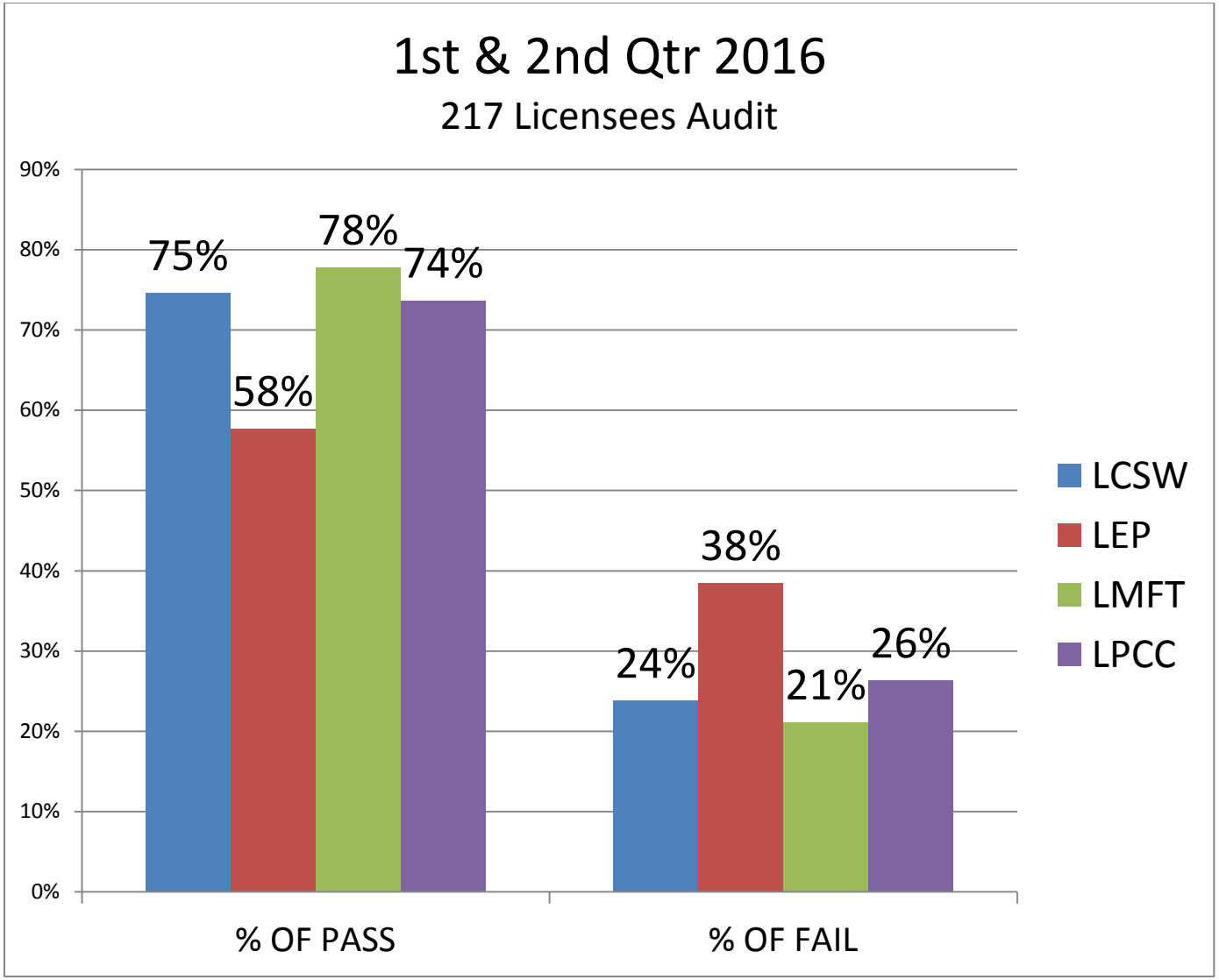
Investigations **

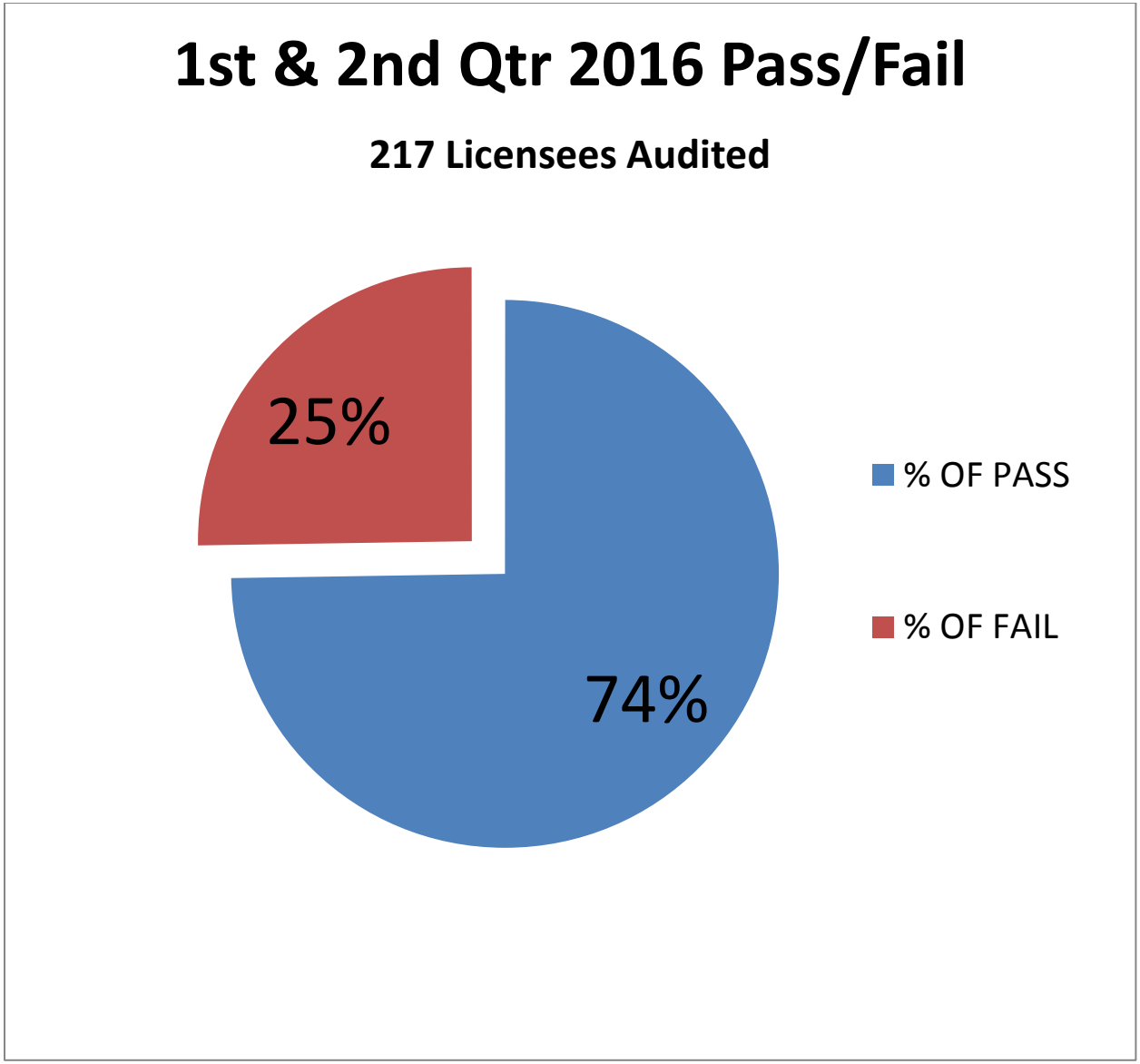
Complaints investigated by the program whether by desk investigation or by field investigation.
Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action.
If a complaint is never referred for Field Investigation, it will be counted as 'Closed' under Desk Investigation.
If a complaint is referred for Field Investigation, it will be counted as 'Closed' under Non-Sworn or Sworn.

Enforcement Actions	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
AG Cases Initiated	20	17	7	15	17	15	12	14	13	10	9	1	150
AG Cases Pending	233	239	231	174	177	175	182	189	189	183	171	162	
SOIs Filed	5	2	2	5	4	2	2	4	3	1	1	0	31
Accusations Filed	7	14	4	11	10	10	4	2	7	10	10	7	96
Proposed/Default Decisions Adopted	2	1	4	5	NA	3	3	2	3	1	2	11	37
Stipulations Adopted	4	5	3	7	NA	9	4	5	2	4	8	7	58
Disciplinary Orders	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	11	1	0	15	0	17	10	6	14	5	10	18	107
Average Days to Complete***	504	738	N/A	430	NA	492	615	785	NA	636	893	956	
Citations	**15-Jul**	**15-Aug**	**15-Sep**	**15-Oct**	**15-Nov**	**15-Dec**	**16-Jan**	**16-Feb**	**16-Mar**	**16-Apr**	**16-May**	**16-Jun**	**YTD**
Final Citations	1	0	2	5	2	3	29	4	8	27	8	4	93
Average Days to Complete****	179	N/A	610	208	71	171	35	100	200	40	145	34	

Disciplinary Orders Average Days to Complete *
Measured by the date the complaint is received to the date the order became effective.
Citations **
Measured by the date the complaint is received to the date the citation was issued.

Blank Page


1st & 2nd Qtr 2016
217 Licensees Audit
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
75%
58%
78%
74%
24%
38%
21%
26%
% OF PASS
% OF FAIL
LCSW
LEP
LMFT
LPCC



Reasons for failing audit.

1. No Law & Ethics
2. Missing first time requirements
3. Taking CE's from an unapproved provider

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **Personnel Update**

The Personnel Update will be provided under a separate cover.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To:	Board Members	**Date:**	August 1, 2016
From:	Steve Sodergren Executive Officer	**Telephone:**	(916) 574-7847
Subject:	**Strategic Plan Update**		

Management and staff continue to address the strategic goals and objectives. Attached for your review is the Strategic Plan update for August 2016.

Blank Page

Licensing ***Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.***	**DUE DATE**	**STATUS**
1.1 Identify and implement improvements to the licensing process to decrease application processing times.	**Q1 2015**	Application processing times are now less than the parameters set forth in Regulation. All applications are processed under 60 days.
1.2 Complete the processing of Licensed Professional Clinical Counselor grandfathered licensing application.	**Q1 2014**	Completed October 1, 2013
1.3 Review the current eligibility process for Licensed Marriage and Family Therapists and Licensed Professional Clinical Counselors to identify and reduce barriers and implement process improvements.	**Q4 2018**	Completed. SB 620, the “Buckets” legislation, was signed by the Governor in September 2015.
1.4 Explore development of uniform clinical supervision standards to ensure consistent supervision of registrants and trainees.	**Q4 2015**	Committee met on August 18, 2016 to discuss draft language for LMFTs, LCSWs, and LPCCs. Draft language will presented to full Board in November.
1.5 Investigate the use of technology for record keeping and therapeutic services and its effects on patient safety and confidentiality and establish best practices for licensees.	**Q4 2016**	Telehealth regulations became effective July 1, 2016.

1.6 Determine feasibility of license portability and pursue legislation if needed.	**Q3 2020**	Effective January 1, 2016 implemented use of national exam for LCSWs and revisions to modify the out-of-state requirements for LMFTs and LPCCs.
1.7 Establish ongoing process to evaluate requirements for all license types to promote parity between licensing programs as appropriate.	**Q4 2016**	Staff effort continues. The Supervision Committee continues to discuss revisions to supervisor qualifications and is working toward parity where appropriate.
1.8 Evaluate the feasibility of online application submission through the Breeze system and implement if possible.	**Q2 2016**	The Board now has three transactions available on Breeze: renewals, address changes and replacement documents. The Board continues to explore the future use of the online capabilities.

Examinations ***Administer fair, valid, comprehensive, and relevant licensing examinations.***	**DUE DATE**	**STATUS**
2.1 Implement recommendations made by the Exam Program Review Committee to restructure the examination process and promulgate regulations as necessary.	**Q1 2016**	Completed. Exam Restructure implemented on January 1, 2016.
2.2 Establish a recruitment process for Subject Matter Experts to ensure a diverse pool on which to draw for examination development.	**Q2 2016**	Completed Spring 2015
2.3 Create a process for evaluating the performance of Subject Matter Experts assisting with exam development.	**Q4 2015**	Staff is collaborating with OPES to develop an method of evaluation. Currently OPES provides informal feedback.

Enforcement ***Protect the health and safety of consumers through the enforcement of laws and regulations.***	**DUE DATE**	**STATUS**
3.1 Establish a recruitment process for Subject Matter Experts to ensure a diverse pool on which to draw for case evaluations.	**Q4 2014**	Completed Spring 2015
3.2 Develop a training program, including uniform standards for reports and evaluations, for all enforcement Subject Matter Experts.	**Q1 2015**	Staff conducted an all-day training session on July 30, 2015. Second training will occur in 2016.
3.3 Improve internal process to regularly consult with the Attorney General's office to advance pending disciplinary cases.	**Q4 2014**	Staff effort continues.
3.4 Establish uniform standards and templates for reports and evaluations submitted to the Board related to disciplinary matters.	**Q2 2015**	Committee met on January 8, 2016. Board staff developed draft documents to present to the full Board at March 2016 meeting. Committee will hold a second meeting following the May Board meeting to address other templates.
3.5 Create a process for evaluating the performance of Subject Matter Experts assisting on enforcement cases.	**Q2 2015**	Completed May 2015.
3.6 Identify and implement improvements to the investigation process to decrease enforcement processing times.	**Q1 2015**	Staff effort continues.

Legislation and Regulation ***Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.***	**DUE DATE**	**STATUS**
4.1 Adopt regulations to incorporate Uniform Standards for Substance Abusing Licensees to align with other healing arts boards.	**Q2 2015**	Complete October 1, 2015
4.2 Modify regulations to shift oversight of continuing education providers to Approval Agencies.	**Q4 2014**	Completed January 1, 2015
4.3 Pursue legislation to implement the recommendations of the Out of State Education Review Committee to ensure parity with California educational requirements.	**Q4 2014**	Complete. Legislation became effective 1/1/16.
4.4 Pursue legislation to resolve the conflict in law that prohibits the Board's access to information necessary for investigations regarding child custody reports.	**Q4 2014**	Complete. Legislation became effective on 1/1/15.
4.5 Review regulatory parameters for exempt settings and modify, if necessary, to ensure adequate public protection.	**Q4 2017**	Committee will begin work in 2017.

Organizational Effectiveness ***Build an excellent organization through proper Board governance, effective leadership, and responsible management.***	**DUE DATE**	**STATUS**
5.1 Pursue adequate staffing levels across all functional areas within the Board.	**Q3 2015**	Board continues to work on filling vacancies and assessing current staffing levels. BCP for 2016/2017 for additional staff is included in the Governor's budget.
5.2 Evaluate internal procedures to identify areas for improvement to ensure prompt and efficient work processes.	**Q1 2016**	Staff effort continues.
5.3 Enhance Board employee recognition program to reward exceptional performance and service.	**Q4 2014**	Staff effort continues.
5.4 Implement an internal training and education program for all Board staff to enhance skills and abilities for professional development.	**Q3 2015**	Board management meets one on one with individuals who desire further information regarding the Board and upcoming interviews.
5.5 Establish standing Board committees that align with the Board's strategic goal areas.	**Q4 2014**	Board will revisit this topic in 2016.

Outreach and Education ***Engage stakeholders through continuous communication about the practice and regulation of the professions.***	**DUE DATE**	**STATUS**
6.1 Implement cost-effective ways to educate applicants and licensees on current requirements.	**Q1 2015**	Staff outreach efforts continue.
6.2 Enhance the Board's outreach program by redesigning publications and the Board's website, leveraging new technologies and exploring the use of social media.	**Q3 2015**	Three newsletters were published and distributed in 2015. Staff continues to review and revise Board website.
6.3 Partner with the Office of Statewide Planning Health and Development and other external stakeholder groups to encourage more diversity within the mental health professions.	**Q4 2019**	Staff effort continues. EO met with OSPHD in June to discuss collaboration to promote awareness of educational loan repayment opportunities.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To:	Board Members	**Date:**	August 4, 2016
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Supervision Committee Update**		

The purpose of this memo is to provide an update on the status of the Supervision Committee's work, as well as provide information about the informal decisions made to date by the Committee.

The Supervision Committee held its eleventh meeting on June 9, 2016, and will hold its final meeting on August 18, 2016. Staff anticipates that the law changes proposed by the Supervision Committee will be considered by the Policy and Advocacy Committee on September 30, 2016, and presented to the full Board for consideration at the November 2016 meeting. Staff would run legislation and regulations during 2017 in order to begin implementing the proposed changes.

Informal Decisions

The informal decisions made by the Supervision Committee as of the date of this memo may evolve based on the Committee's meeting on August 18th, or at the Policy and Advocacy Committee meeting on September 30th. These informal decisions have been incorporated into an initial draft of proposed language which addresses the following:

- Makes supervision provisions consistent among the professions.
- Allows supervision of students performing psychotherapy to satisfy the supervisor two-year experience requirement.
- Strengthens provisions related to monitoring and evaluating the supervisee, including the Supervisory Plan form and Supervisor Responsibility Statement form.
- Addresses supervisors being reachable while supervisee is providing services.
- Requires an initial supervisor training of 15 hours for all professions.

- Requires six (6) hours of continuing professional development for supervisors every two years.
- Requires supervisors to notify the Board that they are supervising.
- Requires new and existing supervisors to perform a self-assessment of qualifications to supervise. Supervisors would submit the self-assessment to the Board, and provide a copy to each supervisee along with the supervision brochure. The Board would add a modifier to the licensee's status on Breeze to indicate that he or she is a supervisor.
- Provides the Board with the authority to audit supervisors.
- Requires the supervisor to ensure that the amount of group supervision is appropriate to each supervisee's needs.
- Allows triadic supervision (two supervisees, one supervisor) in place of individual supervision.
- Requires applicants who have completed their experience hours to continue receiving one hour of supervision per week, per work setting.

<u>The proposed language does not include the following provision as staff plans to run it as a separate regulatory proposal:</u>

- Parameters for acceptable documentation when a supervisor is deceased or incapacitated and an *Experience Verification* form had not yet been signed.

<u>The topics set to be addressed by the Committee at its final meeting on August 18, 2016 are as follows:</u>

- Revisions to the legal definition of the term "applicant."
- Documentation required when the supervisee was a volunteer employee, but was reimbursed for expenses on a 1099 form.
- Revisions to the *Guide to Supervision* for each license type.
- Requirements for temporary substitute supervisors.

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **Examination Restructure Update**

The Examination Restructure Update will be provided under separate cover.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **Proposed Changes to the BBS Logo**

Cesar Altamirano from the Department of Consumer Affairs Publication Unit will present the proposed changes to the BBS Logo.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To:	Board Members	**Date:**	August 1, 2016
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	Policy to Establish a Time Period to Remove Board Newsletter from the Board's Website		

Background

Business and Professions Code section 27 (a) specifies the type of information that the Board is required to publish on its website. In addition to displaying a licensee's or registrant's information, such as the license/registrant's number and address of record, other information including suspensions revocations and other related enforcement actions (accusations filed) taken by the Board is published on the Board's website.

Business and Professions Code section 4990.09 further defines the parameters regarding the reporting of citations. Pursuant to this code section, the Board shall not publish on the Internet, the final determination of a citation and fine of $1500 or less for more than five years from the date of issuance. After five years, the Board must remove the action from its website. Currently, BreEZe is designed to perform this function automatically.

In 2015 the Board resumed publishing its newsletter. Within the newsletter, Board disciplinary actions, including citations and fines, are published. Concerns emerged related to publishing citations and fines of less than $1,500 on the Board's website and in the Board's newsletter. A citation and fine may be issued for minor violations such as being a few units short on documented Continuing Education and with a fine less than $1,500. This raises the question: should these names appear on the Board's website? Although the Board defines a citation and fine as an administrative action, listing formal disciplinary action (revocations, suspensions) under the title "Administrative Actions" in the Board newsletter may be confusing.

Discussion

As noted above, Business and Professions Code section 27 requires the Board to post its Enforcement Actions on the Internet (aka Board website). Unlike Business and Professions Code section 4990.09, Business and Professions Code section 27 does not specify parameters that allow the Board discretion to post an enforcement action or not.

However, Business and Professions Code section 4990.16 states that protection of the public shall be the highest priority for the Board. If the Board were to determine that some citations and fines would be published and others were not, the Board may appear non-compliant with its consumer protection mandate.

A citation and fine that is issued to a licensee is attached to the licensee's record. A public search of a licensee's record through the BreEZe system will reveal if a citation and fine has been issued. The public then has the opportunity to view the citation and fine document, which specifies the cause for the citation, fine assessed (if any), and Order of Abatement.

Citation and fines are listed in the Board's newsletter under "Enforcement Citations" and provide the name of the licensee, overall category of the violation (e.g. unprofessional conduct, unlicensed activity) and the fine amount (if any). A member of the public must conduct a license search through BreEZe to view details of the citation and fine. In the Board's newsletter a citation and fine is defined as *"an administrative action used for minor violations. Citations and fines are public information but are not considered to be disciplinary actions."*

Formal disciplinary actions appearing in the Board newsletter are listed under the heading "Administrative Actions". A summary of the formal disciplinary action taken is provided along with the name of the licensee or registrant, their location, and license/registration number. Further, a list of terms and their definition related to the discipline process is provided in every newsletter. Both the citations and fines and formal disciplinary actions appear next to each other in the Board's newsletter.

Another concern expressed is related to the five year time period in which a citation and fine is available on the Board's website. Specifically, if the Board is removing the citation and fine information after five years, are other related publications that include this information, such as the Board's newsletter, also removed? A review of the Board's website reveals that Board newsletters dating back to 1999 remain on the website. Citations and Fines were first published in the Fall 2005 newsletter.

<u>April 15, 2016 Policy and Advocacy Committee Discussion</u>

At the April 15, 2016 Policy and Advocacy Committee meeting, Committee members and the public discussed this matter. Some minor modifications, such as revising the titles in the Board newsletter, to be consistent with the definitions of the Board actions in the newsletter would be beneficial.

Specifically, "Enforcement Citations" could be revised to "Administrative Actions". Also, revising "Administrative Actions" to "Formal Disciplinary Actions" and revise the definition to indicate a higher level of discipline would provide further clarification to the public and licensees/respondents. Committee members were advised that these modifications could be done without any formal direction from the Board.

The remaining issue to consider was should the Board establish a policy to specify the removal of newsletters from the Board's website that complies with five year requirement specified in Business and Professions Code section 4990.09. Currently, a

policy does not exist. Adoption of a policy would formally establish a process to remove Board newsletters from its website.

Committee Recommendation

The committee members voted to recommend the Board establish a policy to remove the Board's newsletters from its website within a specified period of time and advise the public how they may obtain newsletters once the newsletter is removed from the Board's website.

Recommendation

Conduct an open discussion regarding the Policy and Advocacy Committee's recommendation to establish a policy to remove Board newsletters from its website. If the Board determines it wishes to establish a policy, direct staff to prepare a draft for consideration at the next board meeting.

Attachments:

A. Business and Professions Code 27
B. Business and Professions Code 4990.09
C. Business and Professions Code 4990.16
D. Board Newsletter

Blank Page

ATTACHMENT A

§27. PUBLIC INFORMATION

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also

disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Marijuana Regulation shall disclose information on its licensees.

(g) “Internet” for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

ATTACHMENT B

§4990.09. INTERNET PUBLICATION OF FINAL DETERMINATION; TIME LIMIT
The board shall not publish on the Internet the final determination of a citation and fine of one thousand five hundred dollars ($1,500) or less issued against a licensee or registrant pursuant to Section 125.9 for a period of time in excess of five years from the date of issuance of the citation.

Blank Page

ATTACHMENT C

§4990.16. PROTECTION OF THE PUBLIC

Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount

Blank Page

VOL. 1 NO. 3

IN THIS ISSUE

EXAMINATION NEWS	1
CHAIR'S MESSAGE	2
ONLINE SERVICES	3
NEW LAWS	4
BBS CELEBRATES 70TH ANNIVERSARY	5
FOLLOW BBS ON FACEBOOK AND TWITTER	5
REGISTRANTS AND SUPERVISION NEWS	6
PROCESS FOR CANDIDATES	7
BBS STAFF NEWS	8
PROCESS FOR REGISTRANTS	9
LICENSING TOTALS	10
EXPLANATION OF DISCIPLINARY TERMS AND ACTIONS	10
ENFORCEMENT CITATIONS	10
ADMINISTRATIVE ACTIONS	11
UPCOMING MEETING DATES	BACK

CALIFORNIA
BOARD OF BEHAVIORAL SCIENCES
WINTER 2016
NEWSLETTER

EXAMINATION NEWS

EXAMINATION RESTRUCTURE

It's nearly here—the change to the Board's examination process. After January 1, 2016, all registrants will be required to take and pass the California Law and Ethics Examination. Once this examination is passed, you have completed the first of two examinations required for licensure.

The second exam is a Clinical Examination and may be taken after the required number of supervised hours have been obtained and submitted to the Board for approval. Once your supervised experience hours are approved, you may take the Clinical Examination.

So what does the change mean? For those who do not pass an examination, a reduced waiting period between exams. Further, some individuals will be taking a national examination for licensure.

The Board recognizes the change to the examination process is significant and impacts everyone seeking licensure. But how does the change impact YOU?

The Board created a series of video tutorials and FAQs (Frequently Asked Questions) to provide you with information about the process specific to your situation. This information is currently available on the Board's website. Please take a moment to view the tutorial that applies to your situation and the relevant FAQs.

This information will help guide you through the new examination process. It is important you become familiar with the new process to avoid delays in your registration renewal or in the licensure process.

Additionally, the Board created examination flow charts to provide you with quick overview of the process. The examination flow charts, which are included in this newsletter on pages 7 and 9, provide you with basic information about the new examination process. However, we strongly encourage watching the video tutorial and reviewing the FAQs specific to your situation so that you are aware of all the examination requirements.

For individuals who will be taking a national examination for licensure, information regarding the national exam, exam content, and study guides are available on the respective websites. For LPCC candidates, please visit **NBCC.org**. LCSW candidates may access the information at **ASWB.org**.

Information related to the California Law and Ethics Examination and the LMFT Clinical Examination is available on the Board's website at **www.bbs.ca.gov**.

CHAIR'S MESSAGE

Christina Wong, LCSW, Chair

Welcome to 2016!

When I look back at 2015, the Board of Behavioral Sciences (Board) enjoyed an auspicious and fruitful year with many successes. Online renewal through the BreEZe program was implemented, and the utilization is steadily increasing. Legislative changes to streamline the supervised work experience requirement and to improve efficiency of the enforcement process were approved and signed by the Governor. The Uniform Standards for Substance Abusing Licensees regulations were adopted and have been in effect since October. Finally, the Board's Sunset Review Report was completed and submitted for review in December. These accomplishments are the direct result of the diligent efforts and dedication of the Board staff and Board members.

The long awaited examination restructuring for LCSWs, LMFTs, and LPCCs will be in effect on January 1, 2016. Applicants are required to take a Law and Ethics Examination and a Clinical Examination. Board staff developed various instructional video tutorials and other materials to help registrants navigate the changes. You are strongly encouraged to visit the Board's website for details.

Another notable change in 2016 is the streamlining of the supervised work experience requirements for LMFT and LPCC applicants. This change allows applicants to gain hours in two categories instead of several categories. Additionally, LCSW applicants will also be allowed to count some direct supervisor contact hours. The Board believes this change will improve the application process for both applicants and Board staff.

The Board will continue to focus on its outreach efforts in 2016. BBS is now on Twitter (**@CalifBBS**), and we also have an official Facebook page. Please "follow" or "like" us to receive the latest news updates.

My sincere hope is that we will continue our collaborative work with our stakeholders to ensure Californians receive the highest quality of mental health. Together, we will create a world with peace.

Christina Wong, LCSW Member
Chair

ONLINE SERVICES

NEW SERVICES NOW AVAILABLE

Licensees and registrants are now able to change their address of record and request a duplicate or replacement certificate through BreEZe. You must be registered on BreEZe to use these new services. If you have not registered on BreEZe, select the BreEZe icon on the Board's website and follow the steps for a new registration. Candidates experiencing difficulty registering should contact the Board for assistance.

ONLINE RENEWAL

Since November 2014, 13 percent of licensees and registrants have renewed online. There are several benefits to online renewal.

- Your license or registration is immediately updated with a new expiration date.
- Incomplete renewal applications are avoided. Online renewals will not process unless the renewal application is complete.
- Lost mail and postal delivery delays are avoided.

If you are unable to register on BreEZe, it's likely due to some missing information. Please contact BBS to determine the best method to provide the missing information to register your BreEZe account.

NEW LAWS EFFECTIVE

JANUARY 1, 2016

The following bills were signed by the Governor and are effective January 1, 2016. Take a moment to familiarize yourself with these new changes.

1. **SB 531: Board of Behavioral Sciences (Enforcement Bill)**
   Code Sections Added: Business and Professions Code (BPC) §§4990.31 and 4990.33

   This bill makes two separate amendments to the law governing the enforcement process:

   a. It modifies the Board's requirements for an individual to petition for a termination of probation or modification of penalty. Under the proposal, the Board may deny a petition without hearing if the petitioner is not in compliance with the terms of his or her probation.

   b. It clarifies that the Board has jurisdiction to investigate and take disciplinary action even if the status of a license or registration changes, or if the license or registration expires.

2. **SB 620: Board of Behavioral Sciences: Licensure Requirements**
   Code Sections Amended: BPC §§4980.03, 4980.42, 4980.43, 4980.44, 4996.23, and 4999.46

   This bill streamlines the experience requirements for LMFT and LPCC applicants. It eliminates the complex assortment of minimum and maximum hours of differing types of experience required for licensure (also known as the "buckets" of experience) and instead requires 1,750 hours of the experience to be direct clinical counseling hours. The remaining required 1,250 hours may be nonclinical experience.

   This bill also makes amendments to LCSW law to allow LCSW applicants to count some direct supervisor contact hours, as well as some hours spent attending workshops, trainings, conferences, and seminars, toward their required experience.

3. **AB 250: Telehealth: Marriage and Family Therapist Interns and Trainees**

   Code Sections Affected: BPC §§2290.5, 4980.43

   This bill clarifies that MFT interns and trainees may practice via telehealth.

4. **AB 1140: Crime Victims (Violence Peer Counselors)**
   Code Section Affected: Government Code (GC) §13957.9

   This bill contains language that clarifies that a violence peer counselor may not perform services that fall under the scope of practice of any of the professions which the Board regulates, unless those services take place in an exempt setting.

5. **SB 560: Licensing Boards**
   Code Section Affected: BPC §30

   This bill does two things:

   1. Prohibits a licensing board from processing an application for an initial license if the applicant does not provide a Social Security number, a federal employer identification number, or an individual taxpayer identification number on the application.
   2. Requires licensing boards to share identification and license information of licensees with the Employment Development Department upon request.

6. **AB 2213: LMFT and LPCC Out-of-State Applicant Requirements (Chaptered in 2014, effective 1/1/16)**

   Code Sections Affected: BPC § 4980.72, 4980.78, 4980.80, 4980.90, 4999.57, 4999.58, 4999.59, 4999.60, and 4999.62, and Code Sections Added: BPC § 4980.79, 4980.81, and 4999.63

   This bill makes several significant changes to the out-of-state licensing requirements for LMFT and LPCC applicants:

   - Varies the number of units the degree must contain, based on when the degree was begun.
   - Allows remediation or waiving of practicum depending on certain circumstances.
   - Allows certain coursework to be remediated while a registrant.
   - Allows certain coursework to be remediated using continuing education courses.

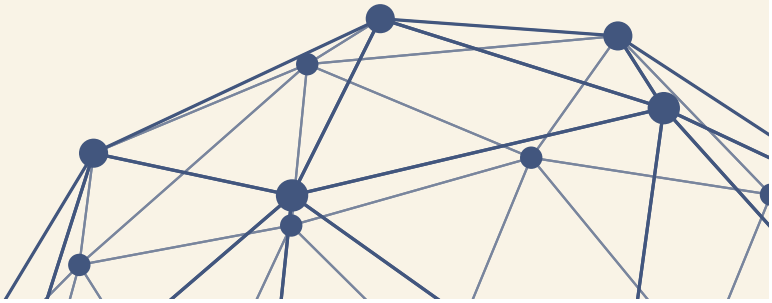
BBS CELEBRATES 70TH ANNIVERSARY

During the August Board meeting, Board members reflected on the 70-year history of the BBS. The history of the Board's work is very similar to the work of the Board today: ensuring consumers safely receive mental health services from qualified practitioners. Some interesting facts about the Board's history are noted below.

- On December 13, 1945, Anita Bullis took the Oath of Office and served as the first Executive Secretary for the Board of Social Work Examiners.
- The first Board members included Gardner Bullis, Mrs. Benjamin F. Warmer, Reverend Monsignor Raymond J. O'Flaherty, Miss Zdenka Buben, Mrs. M.D. Boucher, Miss Maurine McKeany, and Hyman Kaplan.
- Initially, the Board office was on Polk Street in San Francisco and was staffed with one Intermediate Stenographer clerk and the Executive Secretary. Temporary help was utilized to assist with the examination.
- Examination dates and registration dates were published in the newspaper.

- Registration as a Social Worker in California included a "Grandparent Clause." Qualified individuals could register using this method through January 1, 1947.
- The registration fee was $7 and renewals were $5 annually.
- The first registrations were revoked in 1953.

The Board acknowledges its early beginnings and looks forward many more years of consumer protection.



FOLLOW BBS ON FACEBOOK AND TWITTER

BBS is excited to announce the release of its Facebook page and Twitter account. These two social media venues will provide licensees, registrants, applicants, and consumers increased access to BBS activities and updates. Now you can be one of the first to know what's new at BBS. Simply "like" us on Facebook and follow BBS on Twitter (**@CalifBBS**) to stay current on all BBS activities.

REGISTRANTS AND SUPERVISION NEWS

NEW OPTIONS TO GAIN SUPERVISED WORK EXPERIENCE

Effective January 1, 2016, obtaining and tracking supervised work experience hours will become less complicated. Senate Bill 620, Chapter 262, Statutes of 2015 provides individuals a streamlined option to gain supervised work experience hours. After January 1, 2016, individuals may gain hours in two categories—clinical and nonclinical experience (Option 1).

The existing option of multiple categories (Option 2) will remain available, but individuals are required to submit an Application for Licensure and Examination postmarked no later than December 31, 2020. Otherwise, the individual must qualify under Option 1.

After January 1, 2016, hours gained after January 1, 2010, can now qualify under either Option 1 (new streamlined categories) or Option 2 (pre-existing multiple categories) as described below. Applicants must fully qualify under Option 1 OR Option 2. There is no "mixing and matching" between the two categories.

Additionally, LCSW applicants may now count some direct supervisor contact hours, as well as some hours spent attending workshops, trainings, conferences, and seminars towards their required experience. The details, by license type, are noted below.

LMFT OPTION 1 (new streamlined categories) NEED 3,000 HOURS

Under the new option, the supervised work experience categories break down into just two overall types:

- ***Direct counseling experience (minimum 1,750 hours)***—A minimum of 500 of these hours must be gained diagnosing and treating couples, families and children.
- ***Nonclinical experience (maximum 1,250 hours)***—May consist of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client-centered advocacy, and workshops, seminars, training sessions, or conferences.

LMFT OPTION 2 (pre-existing multiple categories) NEED 3,000 HOURS

a. Individual Psychotherapy (no minimum or maximum hours required)

b. Couples, Families, and Children (minimum 500 hours—up to 150 hours may be double-counted)

c. Group Therapy or Counseling (maximum 500 hours)

d. Telehealth Counseling (maximum 375 hours)

e. Workshops, seminars, training sessions, or conferences directly related to marriage, family, and child counseling (maximum 250 hours)

f. Personal Psychotherapy Received (maximum 100 hours, triple counted)

	2010 & 2011	2012 & Later
a. Administering and evaluating psychological tests, writing clinical reports and progress or process notes	Max 250 hours	Max 500 hours combined
b. Client-centered advocacy	Combined max 1,250 hours	
c. Direct supervisor contact	Combined max 1,250 hours	Combined max 1,000 hours

LPCC OPTION 1 (new streamlined categories) NEED 3,000 HOURS

Under the new option, the supervised work experience categories break down into just two overall types:

- ***Direct counseling experience (minimum 1,750 hours)***—Must include minimum of 150 hours of clinical experience in a hospital or community mental health setting.

CONTINUED ON PAGE 8

PROCESS FOR CANDIDATES APPROVED TO TAKE THE LICENSURE EXAMINATION

HAVE YOU TAKEN AND PASSED THE STANDARD WRITTEN EXAM? *(passed exam prior to 1/1/2016)*

YES

You have satisfied the California Law and Ethics exam requirement. You may proceed to the Clinical exam.

NO

You must take the California Law and Ethics exam prior to the expiration date of your exam eligibility.

If you do not pass the Law and Ethics exam, you must submit an application and fee to the BBS to retake the Law and Ethics exam.

Have you passed the California Law and Ethics exam?

YES

PROCEED TO THE CLINICAL EXAM

NO

You must wait 90 days to retest

CLINICAL EXAM

LCSW

Submit your application and fee to ASWB to register for the Clinical level exam. If you fail the exam, you must wait 90 days to retest.

LPCC

Submit your application and fee to NBCC to register for the NCMHCE. If you fail the exam, you must wait 90 days to retest.

LMFT

Submit your application and fee to BBS to register for the California Clinical exam. If you fail the exam, you must wait 90 days to retest.

Failure to take the exam before your eligibility expiration date will result in the closure of your file and may result in the loss of supervised hours.

Candidates who need to maintain a registration and who do not pass the Law and Ethics exam prior to the registration's expiration date will be required to take a 12-hour California Law and Ethics course to continue testing.

REGISTRANTS NEWS CONTINUED FROM PAGE 6

- ***Nonclinical experience (maximum 1,250 hours)***—May consist of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences.

LPCC OPTION 2 (pre-existing multiple categories) NEED 3,000 HOURS

a. Direct Counseling with Individuals, Groups, Couples or Families (minimum 1,750 hours).

b. Group Therapy or Counseling (maximum 500 hours).

c. Telehealth Counseling (maximum 375 hours).

d. Maximum 1,250 hours that include all of the following: Workshops, seminars, training sessions, or conferences directly related to marriage, family, and child counseling (maximum 250 hours).

- Administering and evaluating psychological tests of counselees, writing clinical reports, and progress or process notes (maximum 250 hours).
- Client-Centered Advocacy.
- Direct Supervisor Contact.

LCSW OPTION—NEED 3,200 HOURS

- At least 1,700 hours must gained under the supervision of a Licensed Clinical Social Worker
- A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling. Of this number, 750 hours shall be face to face individual or group psychotherapy provided to clients in the context of clinical social work services.
- A maximum of 1,200 hours in client center advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

BBS STAFF NEWS

The Board is fortunate to have dedicated staff to accomplish its mission and goals. The following staff members were recognized at the August Board meeting for their service to the Board.

The following individuals have served the Board for at least 5 years.

Cynthi Burnett—*Enforcement Analyst*

Ann Glassmoyer—*Special Investigator*

Marsha Gove—*Examination Analyst*

Cassandra Kearney—*Enforcement Analyst*

Gena Kereazis—*Enforcement Analyst*

Dawn La Franco—*Budget Analyst*

Kim Madsen—*Executive Officer*

Racquel Pena—*Enforcement Analyst*

Laurie Williams—*Personnel Analyst*

Darlene York—*Licensing Analyst Social Worker Unit*

The following individuals have served the Board for at least 10 years.

Theresa Malloy—*Licensing Analyst LPCC Unit*

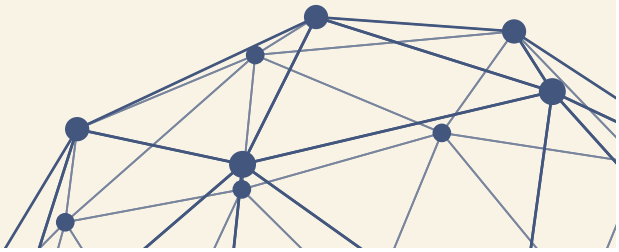
Pearl Yu—*Enforcement Manager*

The following individuals have served the Board for at least 15 years.

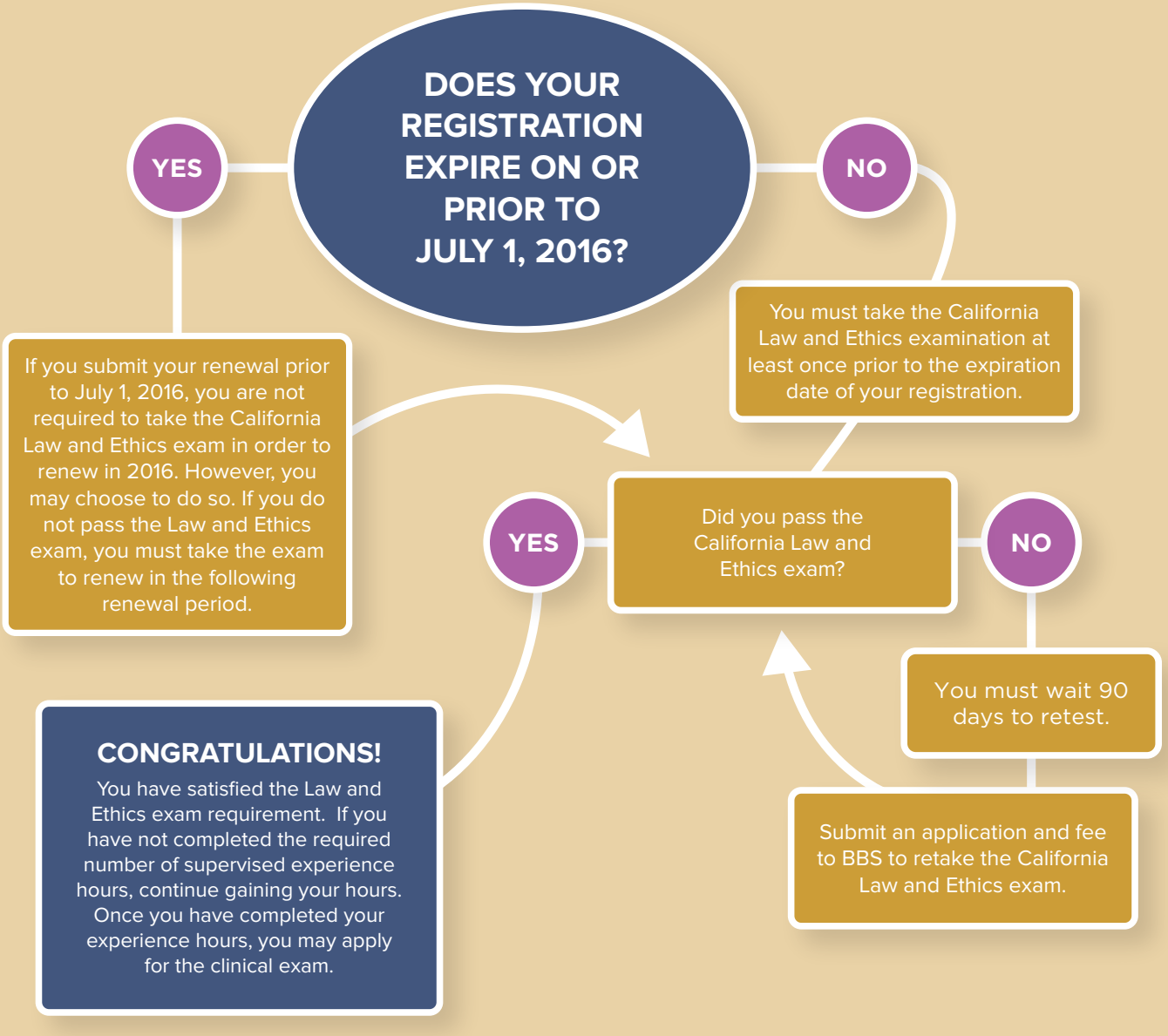
Marilyn Schilling—*Administrative Technician*

Christina Kitamura—*Administrative Analyst*

Sandra Wright—*Enforcement Analyst*



EXAMINATION PROCESS FOR REGISTRANTS



All registrants must take the Law and Ethics exam at least once during each renewal cycle until passed. If a registrant does not pass the exam during a renewal cycle, the registrant may renew, but must take a 12-hour California Law and Ethics course to continue testing.

LICENSING TOTALS

AS OF OCTOBER 31, 2015

License Type	Total Number
Associate Clinical Social Worker (ASW)	15,270
MFT Interns (IMF)	19,607
Licensed Clinical Social Workers (LCSW)	23,119
Licensed Educational Psychologists (LEP)	2,164
Licensed Marriage and Family Therapists (LMFT)	38,822
Licensed Professional Clinical Counselor (LPCC)	1,311
Professional Clinical Counselor Interns (PCCI)	1,411
Registered Continuing Education Providers (PCE)	2,424
Total Number	**104,128**

EXPLANATION OF DISCIPLINARY TERMS AND ACTIONS

Accusation—Formal statement of charges against the registrant/licensee.

Statement of Issues—Formal statement of reasons why an application for registration/license should be denied.

Effective Date—The date the disciplinary decision goes into effect.

Revoked—The registration/license is canceled, voided, rescinded. The right to practice is terminated.

Revoked, Stayed, Probation—"Stayed" means the revocation is postponed. Professional practice may continue so long as the registrant/licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.

Suspension—The registrant/licensee is prohibited from practicing for a specific period of time.

License Surrender—To resolve a disciplinary action, the registrant/licensee has given up his or her registration/license; subject to acceptance by the board. The right to practice is terminated.

Citation and Fine—An administrative action used for minor violations. Citations and fines are public information but are not considered to be disciplinary actions.

ENFORCEMENT CITATIONS

January 1–May 30, 2015		
Name	License Number	Fine Amount
Unprofessional Conduct		
Judith Thompson-Weston	LMFT 23268	$1,500
Lisa G. Ross	LMFT 20183	$500
Gary Lee Fortenberry	LMFT 35841	$1,000
Patrick James Curran	LMFT 46576	$1,000
Angela N. MacDougall	IMF 59753	$1,000
Sandra Lavin-Mond	LCSW 10456	$1,000

ADMINISTRATIVE ACTIONS:

JUNE 1–OCTOBER 31, 2015

ARRAZOLA, VIOLETA STEPHANIE

IMF 87795

Glendale, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 7/15/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014001246.pdf

BANKS JAMILA, JOELLE

IMF 69839

Los Angeles, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.

Effective 9/4/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/im20121387.pdf

BARELA, ALEJANDRO

ASW 67503

Sacramento, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 7/23/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000084.pdf

BOYNTON, MATTHEW ADAM

IMF 65677

Fountain Valley, CA

UNPROFESSIONAL CONDUCT/ COMMISSION OF DISHONEST OR FRAUDULENT ACT

Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/im20131200.pdf

CARTER, ANDREA JENNIFER

IMF 88205

North Hollywood, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.

Effective 8/6/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/ap2013140.pdf

CLINGMAN, JACQUELINE LOUISE

LCSW 17782

Signal Hill, CA

CRIMINAL CHARGES/CONVICTIONS

Action: License revoked, revocation stayed, and placed on probation for a period of four (4) years.

Effective 8/27/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/lc201060.pdf

COLON, RUBEN GABRIEL

LCSW 29821

San Jose, CA

CRIMINAL CHARGES/CONVICTIONS

Action: License revoked.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015001233.pdf

CRUZ, JAIME

IMF 87794

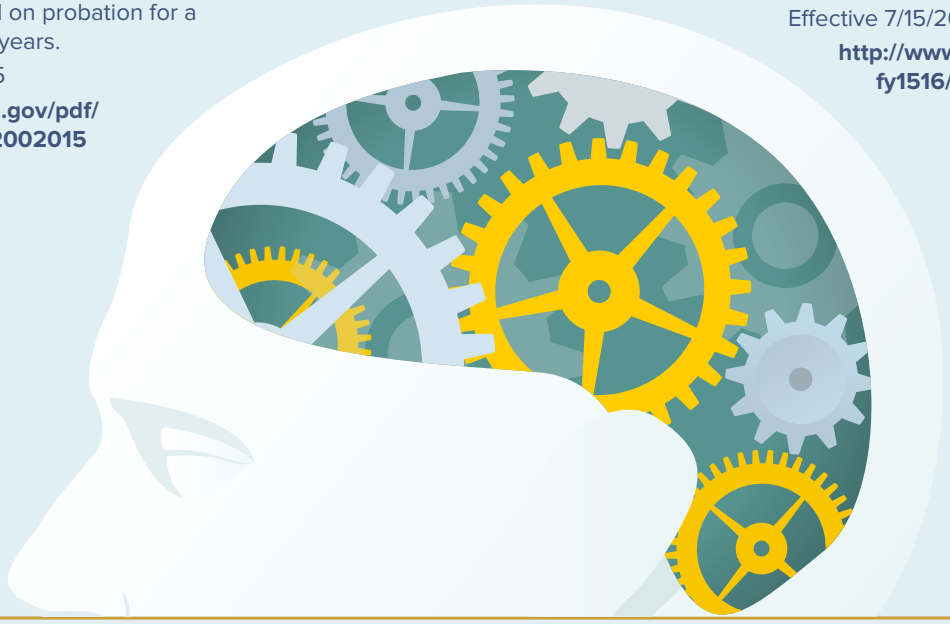
Palmdale, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.

Effective 7/15/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000098.pdf



CONTINUED ON PAGE 12

ADMINISTRATIVE ACTIONS CONTINUED FROM PAGE 11

DUARTE II, RICHARD FRANK
IMF 88216
California City, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.
Effective 8/6/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/ap2014140.pdf

ELLIS, JAMES
LMFT 6984
Fresno, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked.
Effective 9/4/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf20131317.pdf

FRIEDMAN, BONNIE LYNN
LCSW 24172
San Francisco, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 8/27/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/lc2014241.pdf

GABRINETTI, PAUL ANTHONY
LMFT 8301 Woodland Hills, CA
DISCIPLINE BY ANOTHER AGENCY
Action: License revoked, revocation stayed, and placed on probation for a period of four (4) years.
Effective 6/17/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1415/2002014000723.pdf

GALLAGHER, DEANNA LYNN
LMFT 44493
Orem, UT
DISCIPLINE BY ANOTHER STATE/AGENCY
Action: License surrendered.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014001239.pdf

GARDINER, LYNN D.
LMFT 31328
San Carlos, CA
VIOLATION OF PROBATION
Action: Probation period extended one (1) additional year to four (4) years.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000090.pdf

HEFFERMAN, PAMELA
LMFT 33171
Oakland, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License surrendered.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015001638.pdf

HICKS, AMY MARIE
LCSW 63872
Hawthorne, CA
VIOLATION OF PROBATION
Action: License revoked.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015001288.pdf

HOLDEN, SUSAN CATHERINE
LCSW 25830
San Marcos, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 8/27/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/lc20131726.pdf

JOHNSON, MARTY CHRISTINE
LMFT 14010
Mendocino, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 8/27/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf20131292.pdf

JOHNSON, JESSICA LIN
LMFT 78185
Ventura, CA
VIOLATION OF PROBATION
Action: License revoked.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000115.pdf

KILLELEA, KEVIN MICHAEL
LMFT 43007
Mill Valley, CA
VIOLATION OF PROBATION
Action: License surrendered.
Effective 9/4/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000285.pdf

CONTINUED ON PAGE 13

ADMINISTRATIVE ACTIONS CONTINUED FROM PAGE 12

KITADA, BARBARA M.
LMFT 50140
Auburn, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 8/27/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf2014246.pdf

KRZEMIONKA, DARIUS JOSEPH
LMFT 44985
La Crescenta, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf2013483.pdf

MC GUIRE, DAVID A.
LMFT 45136
Beverly Hills, CA
CRIMINAL CHARGES/CONVICTIONS
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf20131929.pdf

MCMANUS, CHRISTOPHER JAMES
IMF 78849
Fairfax, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration surrendered.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014001300.pdf

MENDEZ, MELISSA ANN
IMF 87181
San Jose, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.
Effective 6/17/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1415/2002014000330.pdf

MINIX, ALTAMARA TAMI
IMF 87793
Vallejo, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000833.pdf

MITCHELL, STEVEN FREDERICK
ASW 29551
Lake Forest, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/as2014325.pdf

MOENNICH, ANA PATRICIA VALENZUELA
ASW 34098
Chatsworth, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration surrendered.
Effective 7/23/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000367.pdf

MORENO, CRISTINA
IMF 87913
Bakersfield, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of four (4) years.
Effective 7/23/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000624.pdf

MYERS, JAKE DAVID
IMF 68676
Los Angeles, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.
Effective 9/4/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000145.pdf

O'DONNELL, KATHARINE W.
ASW 59584
Oakland, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.
Effective 8/27/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000323.pdf

CONTINUED ON PAGE 14

ADMINISTRATIVE ACTIONS CONTINUED FROM PAGE 13

ONTIVEROS, ERIC F.

ASW 34342

San Bernardino, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.

Effective 9/4/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000257.pdf

O'ROURKE, STEVEN GEORGE

LMFT 32888

Santa Rosa, CA

CRIMINAL CHARGES/CONVICTIONS

Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf20131125.pdf

PETERSON, EDWARD J.

IMF 87914

Palm Springs, CA

NEGLIGENCE/INCOMPETENCE

Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 7/23/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/im2012836.pdf

PLANCICH, JESSICA KAY

LMFT 39667

Vista, CA

UNPROFESSIONAL CONDUCT/ NEGLIGENCE/INCOMPETENCE

Action: Registration revoked, revocation stayed, and placed on probation for a period of four (4) years.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf2014310.pdf

RAMIREZ, ANTHONY NORIEGA

IMF 65883

Pomona, CA

CRIMINAL CHARGES/CONVICTIONS

Action: Registration revoked.

Effective 9/4/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/im201364.pdf

RAMIREZ, SABRY E.

IMF 60744

San Jose, CA

VIOLATION OF PROBATION

Action: Probation period extended one (1) additional year to six (6) years.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015000286.pdf

ROGOFF, KIRSTEN INGRID

LMFT 45602

Harbor City, CA

UNPROFESSIONAL CONDUCT/ NEGLIGENCE/INCOMPETENCE

Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.

Effective 6/17/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1415/mf2012119.pdf

SMITH, L. AARON

ASW 33082

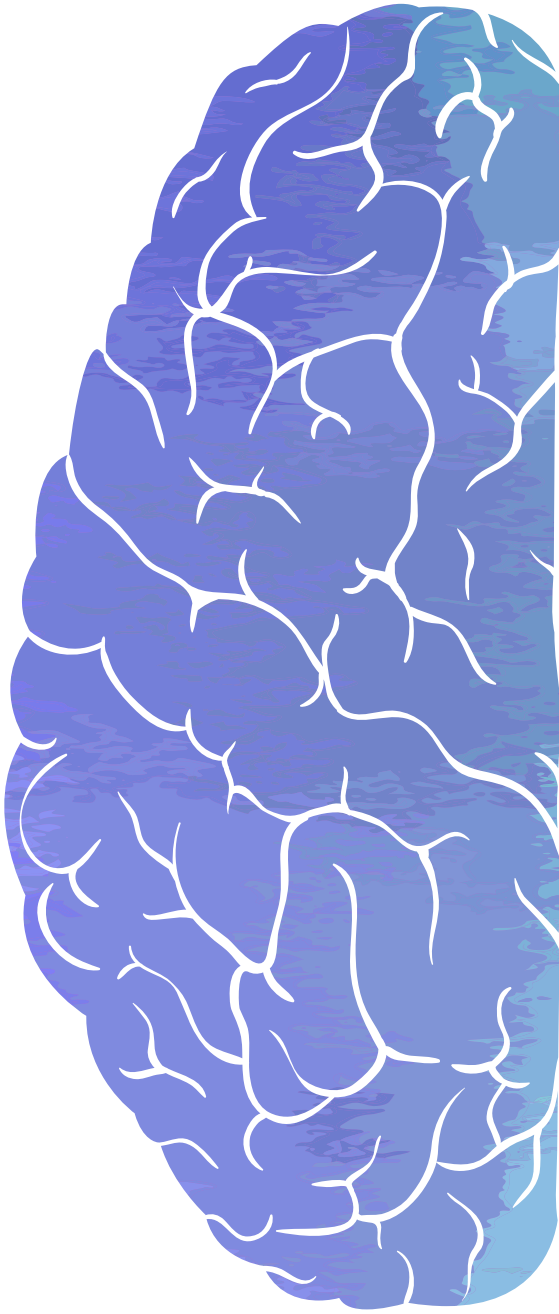
Oakland, CA

VIOLATION OF PROBATION

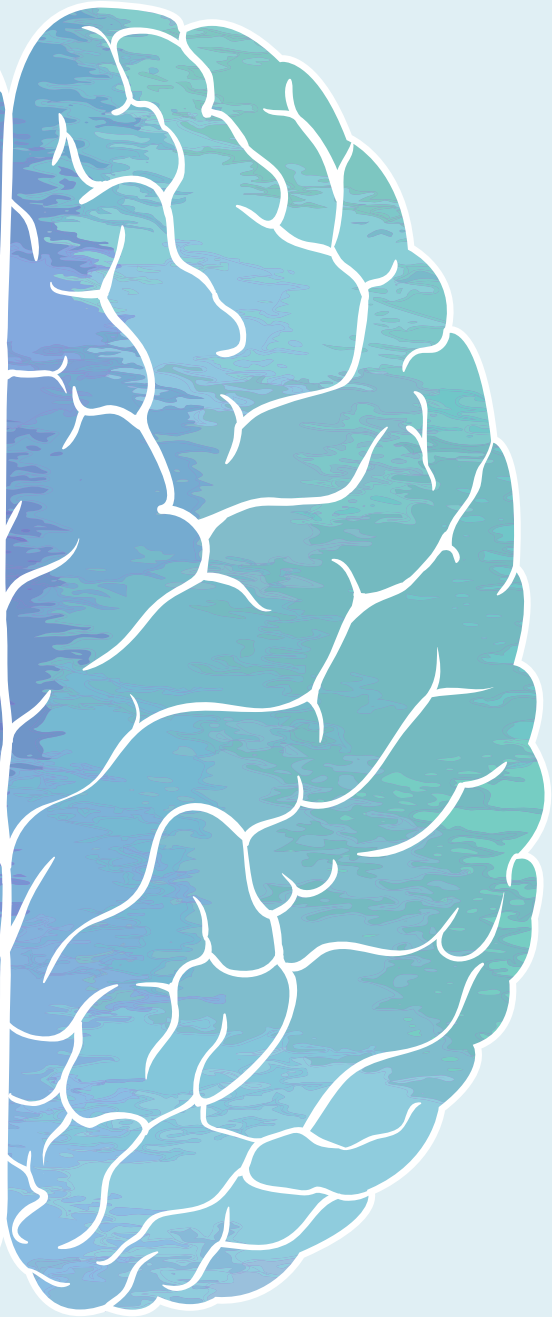
Action: Probation period extended one (1) additional year to five (5) years.

Effective 10/16/2015

http://www.bbs.ca.gov/pdf/enf_docs/fy1516/d120101332.pdf



CONTINUED ON PAGE 15



ADMINISTRATIVE ACTIONS CONTINUED FROM PAGE 14

STOUT, EVANS ANN
LMFT 25178
Santa Barbara, CA
UNPROFESSIONAL CONDUCT/ NEGLIGENCE/INCOMPETENCE
Action: License surrendered.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/mf2012881.pdf

STROLE, CHARLES H.
LMFT 18086 Rancho Mirage, CA
VIOLATION OF PROBATION
Action: Probation period extended two (2) additional years to seven (7) years.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000716.pdf

TEJERAS, CINDA L.
LCSW 27684
El Dorado Hills, CA
UNPROFESSIONAL CONDUCT/ NEGLIGENCE/INCOMPETENCE
Action: License revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/lc20121371.pdf

TRUEBLOOD, HOLLAND MAY
IMF 83093
Camarillo, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration surrendered.
Effective 10/16/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002015001639.pdf

VALLADARES, ERIC ALEXANDER
IMF 64639
Daly City, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of three (3) years.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014000701.pdf

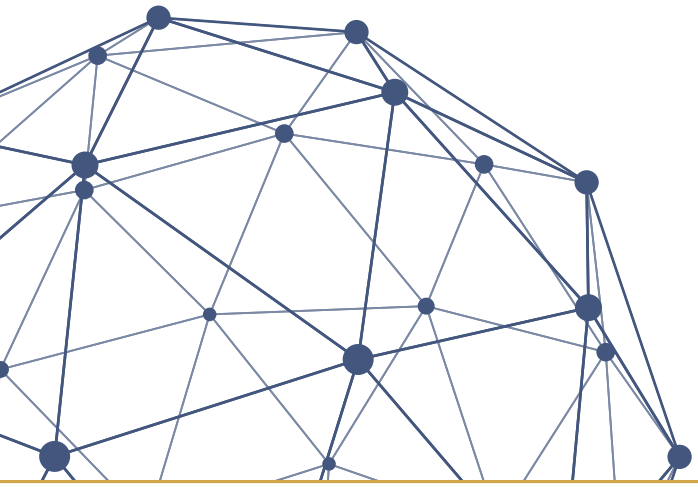
VILLALOBOS, MICHAEL VERNON
IMF 72982
Corona, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked.
Effective 7/15/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/2002014001095.pdf

WATSON, DEAN LEO
IMF 60311
Corona, CA
CRIMINAL CHARGES/CONVICTIONS
Action: Registration revoked, revocation stayed, and placed on probation for a period of five (5) years.
Effective 7/15/2015
http://bbs.ca.gov/pdf/enf_docs/fy1516/im2012697

YATES, TIFFANY CURTIS
LMFT 41944
Westlake Village, CA
VIOLATION OF PROBATION
Action: Probation period extended two (2) additional years to five (5) years.
Effective 9/10/2015
http://www.bbs.ca.gov/pdf/enf_docs/fy1516/d120101239.pdf

CALIFORNIA
BOARD OF BEHAVIORAL SCIENCES

1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834



UPCOMING MEETING DATES

Board Meetings

March 3-4, 2016	Sacramento, CA
May 12-13, 2016	Southern California
August 24-26, 2016	Sacramento, CA
November 3-4, 2016	Southern California

Committee Meetings

April 15, 2016	Policy & Advocacy	Sacramento
August 5, 2016	Policy & Advocacy	TBD
September 30, 2016	Policy & Advocacy	TBD

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members **Date:** August 9, 2016

From: Kim Madsen, Executive Officer **Telephone:** (916) 574-7841

Subject: **Proposal to Add Taking and Passing the Law and Ethics Examination to the Board Disciplinary Guidelines**

Background

During the May Board Meeting, Board Members suggested that in lieu of requiring probationers to take a Law and Ethics course as a condition of probation, the probationer could take and pass the Law and Ethic examination.

The Board's October 2015 Disciplinary Guidelines specify “take and pass licensure examination(s) as a probation condition for the following violations.

- Sexual Misconduct (Anything other than as defined in B&P Section 729)
- Intentionally/Recklessly Causing Physical or Emotional Harm to Client
- Gross Negligence/Incompetence
- Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee/Registrant
- Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties, and Functions of License
- Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License/Competence
- Discipline by Another State or Governmental Agency
- Misrepresentation of License/Qualifications (if violation warrants this condition)
- Failure to Maintain Confidentiality

For other violations, an “Education Course” is listed. Depending on the violation, the Board may order a Law and Ethics course. The Board may require a full semester course or specify the number of hours to be completed. If the number of hours is specified, typically, the course is completed through a continuing education provider.

Discussion

The current Disciplinary Guidelines were written prior to the Examination Restructure. The probation term "take and pass the licensure examination(s)" is reflective of the examination process prior to the Examination Restructure.

The Examination Restructure did not change the number of examinations required for licensure; two for LMFTs, LCSWs, LPCCs, and one for LEPs. The Examination Restructure created the Law and Ethics examination for LMFTs, LCSWs, and LPCCs and added the use of the national examinations for two professions. The Law and Ethics examinations strictly assess an individual's knowledge of the laws and ethics applicable to the practice of the licensee/registrant.

Under the existing Disciplinary Guidelines, the "take and pass the licensure examination(s)" term presents an increase cost to probationers who would now be required to take the national exam in addition to the Law and Ethics exam. The national examinations cost $260 (ASWB) and $275 (NBCC). Board developed examinations are $100.

Further, requiring a California probationer to take a national examination to satisfy a probation term may not be appropriate. National examinations are developed for use across the country. Therefore, the content of the examination assesses an individual's competency to enter the profession nationwide and does not include state specific practices.

Requiring a probationer to take and pass the Law and Ethics examination in lieu of an education course may be more meaningful. To be successful in the examination, a probationer must actively engage in the process of preparing for the examination. This would likely include researching and studying the current law and ethics applicable to his or her profession. Once the examination is passed, the Board would have definitive evidence the probationer is knowledgeable of the law and ethics governing the probationer's practice. Attending and completing a course does not necessarily provide this level of assurance.

Determining a probation term involves consideration of the type and egregiousness of violation(s) and if the public was harmed. In some situations, it may be appropriate to require a probationer to take and pass the licensure examinations. In other situations, it may be appropriate to require the probationer to take and pass the Law and Ethics examination in lieu of a course. However, the current Disciplinary Guidelines do not specify the option to order a probationer to take and pass the Law and Ethics examination. In order to add this requirement as a probation term, the Board must initiate a rulemaking package to revise its Disciplinary Guidelines.

Recommendation

Board members should engage in an open discussion regarding the addition of the Law and Ethics examination as a probation term in the Disciplinary Guidelines. If the Board determines that they wish to add this term to the Disciplinary Guidelines, direct staff to draft a proposal that identifies the violations where this term will be added for the Board's consideration at a future board meeting.

Attachment: 2015 Board of Behavioral Sciences Disciplinary Guideline

State of California

Department of Consumer Affairs

Board of Behavioral Sciences

UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

Revised: October 2015

Additional copies of this document may be obtained by contacting the Board at its office in Sacramento, California, or from its web site at www.bbs.ca.gov.

INTRODUCTION

The Board of Behavioral Sciences (hereinafter "the Board") is a consumer protection agency with the primary mission of protecting consumers by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction. In keeping with its mandate, the Board has adopted the following uniform standards related to substance abuse and recommended guidelines for the intended use of those involved in the disciplinary process: Administrative Law Judges, respondents and attorneys involved in the discipline process, as well as Board members who review proposed decisions and stipulations and make final decisions.

These guidelines consist of four parts:

I. Uniform Standards Related to Substance Abuse – for those licensees and registrants with a violation related to alcohol and/or a controlled substance, or whose license or registration is on probation due to a substance abuse violation;

II. Penalty Guidelines - an identification of the types of violations and range of penalties for which discipline may be imposed;

III. Model Disciplinary Orders - language for proposed terms and conditions of probation; and

IV. Board Policies and Guidelines – for various enforcement actions.

The Board expects the penalty imposed to be commensurate with the nature and seriousness of the violation.

These penalty guidelines apply only to the formal disciplinary process and do not apply to other alternatives available to the Board, such as citations and fines. See Business and Professions Code Section 125.9 and Title 16 California Code of Regulations Section 1886.

TABLE OF CONTENTS

I. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE……4

Clinical Diagnostic Evaluations ..... … .4

Clinical Diagnostic Evaluation Report……...4

Supervisor Requirements……5

Chemical Dependency Support or Recovery Group Meetings……6

Major and Minor Violations……6

Positive Test for Alcohol and/or a Controlled Substance……...8

Drug Testing Standards……..9

Drug Testing Frequency Schedule……..10

Drug Testing Frequency Schedule Exceptions……10

Criteria to Petition to Return to Practice……12

Criteria to Petition for Reinstatement to Unrestricted License or Registration……12

II. PENALTY GUIDELINES..... 13

Engaging in Sexual Contact with Client / Former Client 14

Sexual Misconduct 14

Engaging In Act with a Minor Punishable as a Sexually Related Crime Regardless of Whether the Act Occurred Prior to or After Registration or Licensure 14

Commission of an Act Punishable as a Sexually Related Crime 15

Impaired Ability to Function Safely Due to Mental illness, Physical Illness, Affecting Competency or Chemical Dependency..... 15

Chemical Dependency / Use of Drugs With Client While Performing Services 16

Intentionally / Recklessly Causing Physical or Emotional Harm to Client 16

Gross Negligence / Incompetence 17

General Unprofessional Conduct 17

Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee / Registrant 18

Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties and Functions of License 19

Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License / Competence 19

Discipline by Another State or Governmental Agency 19

Securing or Attempting to Secure a License by Fraud..... 20

Misrepresentation of License / Qualifications..... 20

Violates Exam Security / Subversion of Licensing Exam..... 20

Impersonating Licensee / Allowing Impersonation..... 20

Aiding and Abetting Unlicensed / Unregistered Activity 21
Failure to Maintain Confidentiality 21
Failure to Provide Sexual Misconduct Brochure 21
Improper Supervision of Trainee / Intern / Associate / Supervisee 21
Violations of the Chapter or Regulations by Licensees or Registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience 22
Pay, Accept, Solicit Fee for Referrals 22
Failure to Disclose Fees in Advance 22
False / Misleading / Deceptive / Improper Advertising 22
Failure to Keep Records Consistent with Sound Clinical Judgment 23
Willful Failure to Comply Clients Access to Mental Health Records 23
Failure to Comply with Section 2290.5 (Telehealth) 23

III. MODEL DISCIPLINARY ORDERS 25

Optional Terms and Conditions of Probation 25
Standard Terms and Conditions of Probation 32

IV. BOARD POLICIES AND GUIDELINES 36

Accusations 36
Statement of Issues 36
Stipulated Settlements 36
Recommended Language for License Surrenders 36
Recommended Language for Registration Applicants 37
Recommended Language for Registrants 37
Recommended Language for Licensees 37
Proposed Decisions 37
Reinstatement/Reduction of Penalty Hearings 38

I. Uniform Standards Related to Substance Abuse

Uniform Standards For Licensees Or Registrants Whose License Or Registration Is On Probation Due To A Substance Abuse Violation

The following standards shall apply in all cases in which a license or registration is placed on probation due, in part, to a substance abuse violation, unless the licensee or registrant rebuts that the violation is a substance abuse violation.

Clinical Diagnostic Evaluations

Whenever a licensee or registrant is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has three (3) years experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations.

The following practice restrictions apply to each licensee or registrant who undergoes a clinical diagnostic evaluation:

1. The Board shall suspend the license or registration during the clinical diagnostic evaluation pending the results of the clinical diagnostic evaluation and review by the Board.

2. While awaiting the results of a clinical diagnostic evaluation, the licensee or registrant shall be randomly drug tested at least two (2) times per week.

Clinical Diagnostic Evaluation Report

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee or registrant has a substance abuse problem, whether the licensee or registrant is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice, restrictions, or other recommendations related to the licensee or registrant's rehabilitation and safe practice.

The evaluator shall not have a financial, personal, business or professional relationship with the licensee or registrant. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee or registrant is a threat to himself or herself or others, the evaluator shall notify the board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed 30 calendar days.

The Board shall review the clinical diagnostic evaluation to determine whether or not the licensee or registrant is safe to return to either part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee or registrant based on the application of the following criteria:

1. License or registration type;
2. Licensee or registrant's history;
3. Documented length of sobriety;
4. Scope and pattern of substance abuse;
5. Treatment history;
6. Medical history;
7. Current medical condition;
8. Nature, duration and severity of substance abuse problem; and
9. Whether the licensee or registrant is a threat to himself or herself or others.

No licensee or registrant shall be returned to practice until he or she has at least 30 calendar days of negative drug tests.

When determining if the licensee or registrant should be required to participate in inpatient, outpatient, or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license or registration type, licensee or registrant's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee or registrant is a threat to himself or herself or others.

Supervisor Requirements

If the Board determines that a supervisor is necessary for a particular licensee or registrant, the supervisor must meet the following requirements to be considered for approval by the Board:

1. The supervisor shall not have a current or former financial, personal, business or professional relationship with the licensee or registrant, or other relationship that could reasonably be expected to compromise the ability of the supervisor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee or registrant's employer to serve as the supervisor, this requirement may be waived by the Board; however, under no circumstances shall a licensee or registrant's supervisor be an employee or supervisee of the licensee or registrant.

2. The supervisor's license scope of practice shall include the scope of practice of the licensee or registrant who is being monitored or be another health care professional if no supervisor with like scope of practice is available.

3. The supervisor shall be a current California licensed practitioner and have an active unrestricted license, with no disciplinary action within the last five (5) years.

4. The supervisor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee or registrant's disciplinary order and agrees to monitor the licensee or registrant as set forth by the Board.

The supervisor must adhere to the following required methods of monitoring the licensee or registrant:

1. Have a face-to-face contact with the licensee or registrant in the work environment on as frequent a basis as determined by the Board, but at least once per week.

2. Interview other staff in the office regarding the licensee or registrant's behavior, if applicable.

3. Review the licensee or registrant's work attendance.

Reporting by the supervisor to the Board shall be as follows:

1. Any suspected substance abuse must be orally reported to the Board and the licensee or registrant's employer within one (1) business day of occurrence. If the occurrence is not during the Board's normal business hours, the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.

2. The supervisor shall complete and submit a written report directly to the Board monthly or as directed by the Board. The report shall include:

    a. the licensee or registrant's name;

    b. license or registration number;

    c. supervisor's name and signature;

    d. supervisor's license number;

    e. worksite location(s);

    f. dates licensee or registrant had face-to-face contact with supervisor;

    g. worksite staff interviewed, if applicable;

    h. attendance report;

    i. any change in behavior and/or personal habits; and

j. any indicators that can lead to suspected substance abuse.

The licensee or registrant shall complete the required consent forms and sign an agreement with the supervisor and the Board to allow the Board to communicate with the supervisor.

Chemical Dependency Support or Recovery Group Meetings

If the Board requires a licensee or registrant to participate in chemical dependency support or recovery group meetings, the Board shall take the following into consideration when determining the frequency of required group meeting attendance:

1. the licensee or registrant's history;

2. the documented length of sobriety;

3. the recommendation of the clinical diagnostic evaluator;

4. the scope and pattern of substance abuse;

5. the licensee or registrant's treatment history; and

6. the nature, duration, and severity of substance abuse.

The group meeting facilitator of a chemical dependency support or recovery group that a Board licensee or registrant is required to participate in must meet the following requirements:

1. Have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse;

2. Be licensed or certified by the state or other nationally certified organizations to provide substance abuse recovery services;

3. Does not have a financial, personal, business or professional relationship with the licensee or registrant within the last year;

4. Must provide the Board a signed document showing the licensee or registrant's name, the group name, the date and location of the meeting, the licensee or registrant's attendance, and the licensee or registrant's level of participation and progress.

5. Must report to the Board any unexcused absence of a Board licensee or registrant being required to participate within 24 hours.

Major and Minor Violations

Major violations include, but are not limited to, the following:

1. Failure to complete any Board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing more than one minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;

5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code, or other state or federal law;
6. Failure to report for drug and alcohol testing when ordered;
7. Testing positive for alcohol and/or a controlled substance;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee or registrant commits a major violation, the Board shall automatically suspend the license or registration and refer the matter for disciplinary action or other action as determined by the Board.

The consequences for a major violation include, but are not limited to, the following:

1. License or registration shall be suspended;
2. Licensee or registrant must undergo a new clinical diagnostic evaluation;
3. Licensee or registrant must test negative for at least one month of continuous drug testing before being allowed to resume practice;
4. Contract or agreement previously made with the Board shall be terminated; and
5. Licensee or registrant shall be referred for disciplinary action, such as suspension, revocation, or other action determined appropriate by the Board.

Minor violations include, but are not limited to, the following:

1. Failure to submit required documentation in a timely manner;
2. Unexcused attendance at required meetings;
3. Failure to contact a supervisor and/or monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or registrant or to the public.

If a licensee or registrant commits a minor violation, the Board shall determine what action is appropriate. The consequences for a minor violation include, but are not limited to, the following:

1. Removal from practice;
2. Practice limitations;
3. Required supervision;
4. Increased documentation;
5. Issuance of citation and fine or a warning notice;
6. Required re-evaluation and/or testing.

Positive Test for Alcohol and/or a Controlled Substance

If a licensee or registrant tests positive for alcohol and/or a controlled substance, the Board shall do the following:

- Automatically suspend the license or registration;

- Immediately contact the licensee or registrant and inform him or her that his or her license or registration has been suspended and he or she may not practice until the suspension is lifted; and

- Immediately notify the licensee or registrant's employer that the license or registration has been automatically suspended, and that he or she may not practice until the suspension is lifted.

The Board should do the following, as applicable, to determine whether a positive test for alcohol and/or a controlled substance is evidence of prohibited use:

- Consult the specimen collector and the laboratory;
- Communicate with the licensee or registrant and/or treating physician; and
- Communicate with any treatment provider, including a group facilitator.

The Board shall immediately lift the suspension if the positive drug test is not found to be evidence of prohibited use.

Drug Testing Standards

The drug testing standards below shall apply to each licensee or registrant subject to drug testing. At its discretion, the Board may use other testing methods in place of, or to supplement, drug and alcohol testing, if appropriate.

1. Drug testing may be required on any day, including weekends and holidays.

2. Except as directed, the scheduling of drug tests shall be done on a random basis, preferably by a computer program.

3. Licensees or registrants shall be required to make daily contact as directed to determine if drug testing is required.

4. Licensees or registrants shall be drug tested on the date of notification as directed by the Board.

5. Specimen collectors must either be certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the U.S. Department of Transportation.

6. Specimen collectors shall adhere to the current U.S. Department of Transportation Specimen Collection Guidelines.

7. Testing locations shall comply with the Urine Specimen Collection Guidelines published by the U.S. Department of Transportation, regardless of the type of test administered.

8. Collection of specimens shall be observed.

9. Prior to vacation or absence, alternative drug testing location(s) must be approved by the Board.

10. Laboratories shall be certified and accredited by the U.S. Department of Health and Human Services.

A collection site must submit a specimen to the laboratory within one (1) business day of receipt. A chain of custody shall be used on all specimens. The laboratory shall process results and provide legally defensible test results within seven (7) days of receipt of the specimen. The Board will be notified of non-negative test results within one (1) business day and will be notified of negative test results within seven (7) business days.

Nothing herein shall limit the Board's authority to reduce or eliminate the standards specified herein pursuant to a petition for reinstatement or reduction of penalty filed pursuant to Government Code Section 11522 or statutes applicable to the Board that contain different provisions for reinstatement or reduction of penalty.

Drug Testing Frequency Schedule

The Board may order a licensee or registrant to drug test at any time. In addition, each licensee or registrant shall be tested randomly according to the following drug testing frequency schedule:

Level	Year of Probation	Minimum Range Number of Random Tests
I	Year 1	52-104 per year
II	Years 2 through 5	36-104 per year
III	After Year 5	Once per month*

*If no positive drug tests in the previous 5 consecutive years.

The Board may increase the number of random tests required at its discretion. If the Board suspects or finds that a licensee or registrant has violated the prescribed testing program, or finds that a licensee or registrant has committed a major violation, it may re-establish the testing cycle by placing that licensee or registrant at the beginning of Level I. This is in addition to any other disciplinary action.

Drug Testing Frequency Schedule Exceptions

The Board may make exceptions to the prescribed drug testing frequency schedule for the following reasons:

1. Licensee or Registrant Demonstrates Previous Testing and Sobriety

   The licensee or registrant can demonstrate participation in a treatment or monitoring program which requires random testing, prior to being subject to testing by the Board. In such a case, the Board may give consideration to the previous testing by altering the testing frequency schedule so that it is equivalent to the standard.

2. Violations Outside of Employment

   A licensee or registrant whose license or registration is placed on probation for a single conviction or incident, or two convictions or incidents, spanning greater than seven years from each other, where alcohol or drugs were a contributing factor, may bypass Level I and participate in Level II of the testing frequency schedule if the violations did not occur at work or on the way to or from work.

3. Not Employed in Health Care Field

   The Board may reduce testing frequency to a minimum of twelve (12) times per year if the licensee or registrant is not practicing or working in any health care field. If reduced testing frequency is established for this reason, and the licensee or registrant returns to practice, the licensee or registrant shall notify and obtain approval from the Board. The licensee or registrant shall then be subject to Level I testing frequency for at least 60 days. If the licensee or registrant had not previously met the Level I frequency standard, the licensee or registrant shall be subject to completing a full year at Level I of the testing frequency schedule. If the licensee or registrant had previously met the Level I frequency standard, the licensee or registrant shall be subject to Level II testing after completing Level I testing for at least 60 days.

4. Tolling

   The Board may postpone all testing for any person whose probation is placed in a tolling status if the overall length of the probationary period is also tolled. The licensee or registrant shall notify the Board upon his or her return to California and shall be subject to testing as provided in the testing frequency standard. If the licensee or registrant returns to practice and has not previously met the Level I testing frequency standard, the licensee or registrant shall be subject to completing a full year at Level I of the testing frequency schedule. If the licensee or registrant has previously met the Level I testing frequency standard, then Level II shall be in effect.

5. Substance Use Disorder Not Diagnosed

   If a licensee or registrant is not diagnosed with a current substance use disorder, a lesser period of monitoring and toxicology screening may be adopted by the Board. This period may not be less than 24 times per year.

Criteria to Petition to Return to Practice

In order to petition to return to full time practice, a licensee or registrant shall have demonstrated all of the following:

1. Sustained compliance with his or her current recovery program;

2. The ability to practice safely as evidenced by current work site reports, evaluations, and any other information related to his or her substance abuse;

3. Must have at least six (6) months of negative drug screening reports and two (2) positive supervisor reports; and

4. Complete compliance with the other terms and conditions of his or her program.

Criteria to Petition for Reinstatement to Unrestricted License or Registration

In order to petition for reinstatement to a full and unrestricted license or registration, a licensee or registrant shall meet all of the following criteria:

1. Demonstrated sustained compliance with the terms of the disciplinary order (if applicable);

2. Demonstrated successful completion of a rehabilitation program (if required);

3. Demonstration of a consistent and sustained participation in activities that promote and support his or her recovery, including, but not limited to, ongoing support meetings, therapy, counseling, relapse prevention plan, and community activities;

4. Demonstrated ability to practice safely; and

5. Continuous sobriety for at least three (3) to five (5) years.

II. Penalty Guidelines

The following is an attempt to provide information regarding violations of statutes and regulations under the jurisdiction of the Board of Behavioral Sciences and the appropriate range of penalties for each violation. Each penalty listed is followed in parenthesis by a number, which corresponds with a number under the chapter "Model Disciplinary Orders." Examples are given for illustrative purposes, but no attempt is made to catalog all possible violations. Optional conditions listed are those the Board deems most appropriate for the particular violation; optional conditions not listed as potential minimum terms, should nonetheless be imposed where appropriate. Except as provided in the Uniform Standards Related to Substance abuse, the Board recognizes that the penalties and conditions of probation listed are merely guidelines and that individual cases will necessitate variations which take into account unique circumstances.

If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that the Administrative Law Judge hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the Administrative Law Judge in the Proposed Decision so that the circumstances can be better understood by the Board during its review and consideration of the Proposed Decision.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982.26(k) LCSW: B&P § 4992.33 LEP: B&P § 4989.58 LPCC: B&P § 4999.90(k) GP: B&P § 729	Engaging in Sexual Contact with Client / Former Client	• Revocation / Denial of license or registration • Cost recovery.	• Revocation / Denial of license or registration • Cost recovery. The law requires revocation/denial of license or registration.
MFT: B&P § 4982(aa)(1) LCSW: B&P § 4992.3(y)(1) LEP: B&P § 4989.54(y)(1) LPCC: B&P § 4999.90(z)(1)	Engaging In Act with a Minor Punishable as a Sexually Related Crime Regardless of Whether the Act occurred prior to or after registration or licensure. **or** Engaging in act described in Section 261, 286, 288a, or 289 of the Penal code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the Board.	• Revocation / Denial of license or registration • Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.	• Revocation / Denial of license or registration • Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.
MFT: B&P § 4982(k), 4982.26 LCSW: B&P § 4992.3(l), 4992.33 CCR § 1881(f) LEP B&P § 4989.58 B&P § 4989.54(n) LPCC: B&P § 4999.90(k) GP: B&P § 480, 726	Sexual Misconduct (Anything other than as defined in B&P Section 729)	• Revocation stayed • 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation • Take and pass licensure examinations as a condition precedent to resumption of practice • 7 years probation • Standard terms and conditions • Psychological/psychiatric evaluation as a condition precedent to resumption of practice • Supervised practice	• Revocation / Denial of license or registration • Cost recovery. (See B&P 4982.26, 4989.58, 4992.33) The Board considers this reprehensible offense to warrant revocation/denial.

		• Psychotherapy • Education • Take and pass licensure examination • Reimbursement of probation program And if warranted, enter and complete a rehabilitation program approved by the Board; abstain from controlled substances/use of alcohol, submit to drug and alcohol testing; restricted practice, reimbursement of probation program costs.	
MFT: B&P § 4982(k) LCSW: B&P § 4992.3(l) CCR § 1881(f) LEP: B&P § 4989.54(n) LPCC: B&P § 4999.90(k) GP: B&P § 480	Commission of an Act Punishable as a Sexually Related Crime	• Revocation stayed • 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation • Psychotherapy • 5 years probation; standard terms and conditions • Psychological/psychiatric evaluation as a condition precedent to the resumption of practice • Supervised practice • Education • Cost recovery • Reimbursement of probation program costs And if warranted, restricted practice.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: , 4989.54(c) LPCC: B&P § 4999.90(c) GP: B&P § 480, 820	Impaired Ability to Function Safely Due to Mental Illness or Physical Illness Affecting Competency or Chemical Dependency	• Revocation stayed • 60-90 days actual suspension and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation and to implement any recommendations from that evaluation • 5 years probation; standard terms and conditions • Supervised practice • Cost recovery • Reimbursement of probation program costs. In addition: • MENTAL ILLNESS: Psychological/psychiatric evaluation; psychotherapy.	• Revocation / Denial of license or registration • Cost recovery.

		• PHYSICAL ILLNESS: Physical evaluation; and if warranted: restricted practice • CHEMICAL DEPENDENCY Random drug and alcohol testing, psychological/psychiatric /clinical diagnostic evaluation; supervised practice; therapy; rehabilitation program; abstain from controlled substances/use of alcohol; and if warranted: restricted practice.	
MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: B&P § 4989.54(c), 4989.56 LPCC: B&P § 4999.90(c) GP: B&P § 480	Chemical Dependency / Use of Drugs With Client While Performing Services	• Revocation stayed • 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric clinical diagnostic evaluation and to implement any recommendations from that evaluation • Random drug and alcohol testing • 5 years probation • Standard terms and conditions • Psychological/psychiatric/clinical diagnostic evaluation • Supervised practice • Education • Supervised practice • Education • Rehabilitation program • Abstain from controlled substances/use of alcohol • Cost recovery • Reimbursement of probation program costs And if warranted, psychotherapy; restricted practice	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982(i) LCSW: B&P § 4992.3(j) CCR § 1881(d) LEP: B&P § 4989.54(m) LPCC: B&P § 4999.90(i) GP: B&P § 480	Intentionally / Recklessly Causing Physical or Emotional Harm to Client	• Revocation stayed • 90-120 days actual suspension • 5 years probation • Standard terms and conditions • Supervised practice • Education • Take and pass licensure examinations • Cost recovery • Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; psychotherapy, restricted practice.	• Revocation / Denial of license or registration application • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	**Violation Category**	**Minimum Penalty**	**Maximum Penalty**
MFT: B&P § 4982(d) LCSW: B&P § 4992.3(d) CCR § 1881(m) LEP: B&P § 4989.54(k) LPCC: B&P § 4999.90(d) GP: B&P § 480	Gross Negligence / Incompetence	• Revocation stayed • 60-90 days actual suspension; 5 years probation • Standard terms and conditions; supervised practice • Education • Take and pass licensure examinations • Cost recovery • Reimbursement of probation program costs; And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to drug and alcohol testing; restricted practice.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982 CCR § 1845 LCSW: B&P § 4992.3 CCR § 1881 LEP: B&P § 4989.54 CCR § 1858 LPCC: B&P § 4999.90 GP: B&P § 125.6 480, 821	General Unprofessional Conduct	• Revocation stayed • 60-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Supervised practice • Education • Cost recovery; reimbursement of probation program And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to drug and alcohol testing; restricted practice, law and ethics course.	• Revocation / Denial of license or registration • Cost recovery.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4980.40(e), 4982(a) LCSW: B&P § 4992.3(a), 4996.2(d), 4996.18(b) LEP: B&P § 4989.20(a)(3), 4989.54(a) LPCC: B&P § 4999.90(a) GP: B&P § 480, 490, 493	Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee / Registrant	• Revocation stayed • 60 days actual suspension • 5 years probation • Standard terms and conditions • Supervised practice • Education • Cost recovery • Reimbursement of probation program costs (Costs and conditions of probation depend on the nature of the criminal offense). CRIMES AGAINST PEOPLE: Add: Psychological/psychiatric evaluation; psychotherapy; restitution; and if warranted: rehabilitation program; restricted practice. DRUGS AND ALCOHOL: Add: Random drug and alcohol testing, psychological/psychiatric/clinical diagnostic evaluation; psychotherapy; supervised practice, rehabilitation program; abstain from controlled substances/use of alcohol, and if warranted: restricted practice. FISCAL AND PROPERTY CRIMES: Add: Restitution, and if warranted: psychotherapy; take and pass licensure exams; rehabilitation program; restricted practice.	• Revocation / Denial of license or registration • Cost recovery.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(j) LCSW: B&P § 4992.3(k) CCR § 1881(e) LEP: B&P § 4989.54(g) LPCC: B&P § 4999.90(j) GP: B&P § 480, 650, 810	Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties and Functions of License	• Revocation stayed • 30-60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Law and ethics course • Reimbursement of probation program costs And if warranted. psychological/psychiatric evaluation; supervised practice; psychotherapy; take and pass licensure exams; restricted practice.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4980.02, 4982(l), 4982(s), 4982(t) CCR § 1845(a), 1845(b) LCSW: B&P § 4992.3(m) 4996.9 CCR § 1881(g), 1881(h) LEP: B&P § 4989.14 4989.54(r) CCR § 1858(b) LPCC: B&P § 4999.90(l), 4999.90(s) 4999.90(t) GP: B&P § 480	Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License / Competence	• Revocation stayed • 30-60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; supervised practice; psychotherapy, take and pass licensure exams; restricted practice.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982.25 LCSW: B&P § 4992.36 LEP: B&P § 4989.54(h), 4989.54(i) LPCC: B&P § 4990.38 GP: B&P § 141, 480	Discipline by Another State or Governmental Agency	• Determine the appropriate penalty by comparing the violation under the other state with California law. And if warranted: take and pass licensure examinations as a condition precedent to practice; reimbursement of probation program costs.	• Revocation / Denial of license or registration • Cost recovery.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(b) LCSW: B&P § 4992.3(b), B&P §4992.7 LEP: B&P § 4989.54(b) LPCC: B&P § 4999.90 (b) GP: B&P § 480, 498, 499	Securing or Attempting to Secure a License by Fraud	• Revocation / Denial of license or registration application; • Cost recovery.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4980, 4982(f) CCR § 1845(a), LCSW: B&P § 4992.3(f), 4996 1845(b) CCR § 1881(a) LEP: B&P § 4989.54(l) LPCC: B&P § 4999.90(f) GP: B&P § 480	Misrepresentation of License / Qualifications	• Revocation stayed • 60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: take and pass licensure examinations.	• Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982(q) LCSW: B&P § 4992.3(r) CCR § 1881(l) LEP: B&P § 4989.54(s) LPCC: B&P § 4999.90(q) GP: B&P § 123, 480, 496	Violates Exam Security / Subversion of Licensing Exam	• Revocation stayed • 5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(g) LCSW: B&P § 4992.3(h), 4992.7 CCR § 1881(b) LEP: CCR § 1858(a) LPCC: B&P § 4999.90(g) GP: B&P § 119, 480	Impersonating Licensee / Allowing Impersonation	• Revocation stayed • 60-90 days actual suspension • 5 years probation • Supervised practice • Standard terms and conditions • Psychological/psychiatric evaluation • Psychotherapy • Cost recovery • Reimbursement of probation costs	• Revocation / Denial of license or registration • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(h) LCSW: B&P § 4992.3(i) CCR § 1881(c) LEP: B&P § 4989.54 (t) LPCC: B&P § 4999.90(h) GP: B&P § 125, 480	Aiding and Abetting Unlicensed / Unregistered Activity	• Revocation stayed • 30-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: supervised practice.	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(m) LCSW: B&P § 4992.3(n) CCR § 1881(i) LEP: B&P § 4989.54 (q) LPCC: B&P § 4999.90(m) GP: B&P § 480	Failure to Maintain Confidentiality	• Revocation stayed • 60-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Take and pass licensure exams • Cost recovery • Reimbursement of probation program costs	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 728 LCSW: B&P § 728 LPCC: B&P § 728 GP: B&P § 480	Failure to Provide Sexual Misconduct Brochure	• Revocation stayed • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs.	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(r), 4982(t), 4982(u) CCR § 1833.1, 1845(b) LCSW: B&P § 4992.3(s) LEP: B&P § 4989.54(ab), CCR § LPCC: B&P § 4999.90(r) 4999.90(t), 4999.90(u) 1858(b)	Improper Supervision of Trainee / Intern / Associate / Supervisee	• Revocation stayed • 30-90 days actual suspension • 2 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: supervised practice.	• Revocation / Denial of license or registration • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(e), 4982(u) LCSW: B&P § 4992.3(f), 4992.3(s) LEP: B&P § 4989.54(f) LPCC: B&P § 4999.90(e) 4999.90(u) GP: B&P § 480	Violations of the Chapter or Regulations by licensees or Registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience	• Revocation stayed • Registration on probation until exams are passed and license issued • License issued on probation for one year • Rejection of all illegally acquired hours • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs.	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(o) LCSW: B&P § 4992.3(p) CCR § 1881(n) LEP: B&P § 4989.54(p) LPCC: B&P § 4999.90 (o) GP: B&P § 650	Pay, Accept, Solicit Fee for Referrals	• Revocation stayed • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs • Law and Ethics course	• Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(n) LCSW: B&P § 4992.3(o) CCR § 1881(j) LEP: B&P § 4989.54(o) LPCC: B&P § 4999.90 (n)	Failure to Disclose Fees in Advance	• Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program	• Revocation stayed • 30 days actual suspension • 2 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program
MFT: B&P § 4980.46, LCSW: B&P § 4992.3(q) CCR § 1881(k) LEP: B&P § 4989.54(e) 4982(p) LPCC: B&P § 4999.90(p) GP: B&P § 480, 651, 17500	False / Misleading / Deceptive / Improper Advertising	• Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program	• Revocation stayed • 30-60 days actual suspension • 5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(v) LCSW: B&P § 4992.3(t) LEP: B&P § 4989.54(j) LPCC: B&P § 4999.90(v)	Failure to Keep Records Consistent with Sound Clinical Judgment	• Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program	• Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs
MFT: B&P § 4982(y) LCSW: B&P § 4992.3(w) LEP: B&P § 4989.54(x)	Willful Violation Of Chapter 1 (Commencing With Section 123100) Of Part 1 Of Division 106 Of The Health And Safety Code	• Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs	• Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs
MFT: B&P § 4982(z) LCSW: B&P § 4992.3(x) LEP: B&P § 4989.54(d) LPCC: B&P § 4999.90(ac)	Failure To Comply With Section 2290.5 (Telehealth)	• Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery; • Reimbursement of probation program costs.	• Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs

BLANK PAGE

III. Model Disciplinary Orders

Model Disciplinary Orders are divided into two categories. The first category consists of **Optional Terms and Conditions of Probation** that may be appropriate as demonstrated in the Penalty Guidelines depending on the nature and circumstances of each particular case. The second category consists of the **Standard Terms and Conditions of Probation** which must appear in all Proposed Decisions and proposed stipulated agreements.

To enhance the clarity of a Proposed Decision or Stipulation, the Board requests that all optional conditions (1-16) that are being imposed be listed first in sequence followed immediately by all of the standard terms and conditions, which include cost recovery (17- 32).

Optional Terms and Conditions of Probation

Depending on the nature and circumstances of the case, the optional terms and conditions of probation that may appear are as follows:

1. Actual suspension
2. Psychological / Psychiatric evaluation
3. Psychotherapy
4. Clinical Diagnostic Evaluation
5. Supervised Practice
6. Education
7. Take and Pass licensure examinations
8. Rehabilitation Program
9. Abstain from Controlled Substances/Submit to Random Drug and Alcohol Testing
10. Abstain from Use of Alcohol /Submit to Random Drug and Alcohol Testing
11. Restricted Practice
12. Restitution
13. Physical Evaluation
14. Monitor Billing System
15. Monitor Billing System Audit
16. Law and Ethics Course

1. Actual Suspension

A. Commencing from the effective date of this decision, respondent shall be suspended from the practice of _____ for a period of ___ days.

OR

B. Commencing from the effective date of this decision, respondent shall be suspended from the practice of _____ for a period of _____ days, and such additional time as may be necessary to obtain and review the clinical diagnostic, psychological or psychiatric evaluation, to implement any recommendations from that evaluation, and to successfully complete the required licensure examinations as a condition precedent to resumption of practice as outlined in condition #____ (Take

and pass licensure examinations).

Respondent shall be responsible for informing his or her employer of the Board's decision, and the reasons for the length of suspension. Respondent shall submit documentation and/or evidence demonstrating satisfactory compliance with this condition. Prior to the lifting of the actual suspension of the license, the Board shall receive pertinent documentation confirming that respondent is safe to return to practice under specific terms and conditions as determined by the Board.

2. Psychological / Psychiatric Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

Note: If supervised practice is not part of the order, and the evaluator finds the need for supervised practice, then the following term shall be added to the disciplinary order. If a psychological or psychiatric evaluation indicates a need for supervised practice, (within 30 days of notification by the Board), respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the respondent's practice will be supervised.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

(FYI: The Board requires the appointment of evaluators who have appropriate knowledge, training, and experience in the area involved in the violation).

3. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within 15 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are

unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that respondent provide written documentation of his or her good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the Board's decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified respondent that he/she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

(FYI: The Board requires that therapists have appropriate knowledge, training and experience in the area involved in the violation).

4. Clinical Diagnostic Evaluation

Within twenty (20) days of the effective date of the Decision and at any time upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, his or her license or registration shall be automatically suspended for a minimum of one month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug testing at least two (2) times per week.

Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. Cost of such evaluation shall be paid by the Respondent.

Respondent's license or registration shall remain suspended until the Board determines that he or she is able to safely practice either full-time or part-time and has had at least one month of negative drug test results. Respondent shall comply with any restrictions or recommendations made by the Board as a result of the clinical diagnostic evaluation.

5. Supervised Practice

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in

respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent.
If respondent is unable to secure a supervisor in his or her field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

(1) Permitting the respondent to receive supervision via videoconferencing; or,
(2) Permitting respondent to secure a supervisor not in the respondent's field of practice.

The forgoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of his or her good faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a mental health professional that is licensed in the respondent's field of practice.

Respondent shall complete any required consent forms and sign an agreement with the supervisor and the Board regarding the Respondent and the supervisor's requirements and reporting responsibilities. Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

[Optional - Respondent shall not practice until he/she has received notification that the Board has approved respondent's supervisor.]

6. Education

Respondent shall take and successfully complete the equivalency of ____ semester units in each of the following areas _____ . All course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, or professional clinical counselor or through a course approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision.

Within 90 days of the effective date of the decision respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

(FYI: This term is appropriate when the violation is related to record keeping, which includes but is not limited to: recordkeeping, documentation, treatment planning, progress notes, security of records, billing and reporting requirements.)

7. Take and Pass Licensure Examinations

Respondent shall take and pass the licensure exam(s) currently required of new applicants for the license possessed by respondent. Respondent shall not practice until such time as respondent has taken and passed these examinations. Respondent shall pay the established examination fees. If respondent has not taken and passed the examination within twelve months from the effective date of this decision, respondent shall be considered to be in violation of probation.

8. Rehabilitation Program

Within fifteen (15) days from the effective date of the decision, respondent shall submit to the Board or its designee for prior approval the name of one or more rehabilitation program(s). Respondent shall enter a rehabilitation and monitoring program within fifteen (15) days after notification of the board's approval of such program. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board or its designee. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant. The respondent shall take all necessary steps to ensure that the rehabilitation program submits quarterly written reports to the Board addressing the respondent's treatment and progress in the program.

Components of the treatment contract shall be relevant to the violation and to the respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random drug and alcohol testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the respondent.

9. Abstain from Controlled Substances / Submit to Drug and Alcohol Testing

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. The Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the Respondent, the Respondent's current employer, and the supervisor, if any, and shall be a violation of probation.

If the Respondent tests positive for a controlled substance, Respondent's license or registration shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

10. Abstain from Use of Alcohol / Submit to Drug and Alcohol Testing

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. The Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the Respondent, the Respondent's current employer, and to the supervisor, if any, and shall be a violation of probation.

If the Respondent tests positive for alcohol and/or a controlled substance, Respondent's license or registration shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

11. Restricted Practice

Respondent's practice shall be limited to _____. Within 30 days from the effective date of the decision, respondent shall submit to the Board or its designee, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor of the restrictions imposed on their practice.

12. Restitution

Within 90 days of the effective date of this decision, respondent shall provide proof to the Board or its designee of restitution in the amount of $_____ paid to _____.

13. Physical Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a physical evaluation by such licensed physicians as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such physician shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a therapist and such other information

as the Board may require. Respondent shall execute a Release of Information authorizing the physician to release all information to the Board. Respondent shall comply with the recommendations of the physician.

If a physical evaluation indicates a need for medical treatment, within 30 days of notification by the Board, respondent shall submit to the Board or its designee the name and qualifications of the medical provider, and a treatment plan by the medical provider by which the respondent's physical treatment will be provided.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

14. Monitor Billing System

Within fifteen (15) days from the effective date of the decision, respondent shall submit to the Board or its designee for prior approval the name of one or more independent billing systems which monitor and document the dates and times of client visits. Respondent shall obtain the services of the independent billing system monitoring program within fifteen (15) days after notification of the board's approval of such program. Clients are to sign documentation stating the dates and time of services rendered by respondent and no bills are to be issued unless there is a corresponding document signed by the client in support thereof. The billing system service shall submit quarterly written reports concerning respondent's cooperation with this system. The cost of the service shall be borne by respondent.

15. Monitor Billing System Audit

Within 60 days of the effective date of this decision, respondent shall provide to the Board or its designee the names and qualifications of three auditors. The Board or its designee shall select one of the three auditors to annually audit respondent's billings for compliance with the Billing System condition of probation. During said audit, randomly selected client billing records shall be reviewed in accordance with accepted auditing/accounting standards and practices. The cost of the audits shall be borne by respondent. Failure to pay for the audits in a timely fashion shall constitute a violation of probation.

16. Law and Ethics Course

Respondent shall take and successfully complete the equivalency of two semester units in law and ethics. Course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, professional clinical counselor as defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes and Section 1854 of Title 16 of the California Code of Regulations or through a course approved by the Board. Classroom attendance must be specifically required. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. The costs associated with the law and ethics course shall be paid by the respondent. Units obtained for an approved course in law and ethics shall not be used for continuing education

units required for renewal of licensure.

(FYI: This term is appropriate when the licensee fails to keep informed about or comprehend the legal obligations and/or ethical responsibilities applicable to their actions. Examples include violations involving boundary issues, transference/countertransference, breach of confidentiality and reporting requirements.)

Standard Terms and Conditions of Probation

The sixteen standard terms and conditions generally appearing in every probation case are as follows:

17. Obey All Laws
18. File Quarterly Reports
19. Comply with Probation Program
20. Interviews with the Board
21. Failure to Practice
22. Change of Place of Employment or Place of Residence
23. Supervision of Unlicensed Persons
24. Notification to Clients
25. Notification to Employer
26. Violation of Probation
27. Maintain Valid License
28. License Surrender
29. Instruction of Coursework Qualifying for Continuing Education
30. Notification to Referral Services
31. Reimbursement of Probation Program
32. Cost Recovery

Specific Language for Standard Terms and Conditions of Probation

(To be included in all Decisions)

17. Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

18. File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether

he/she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

19. Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the program.

20. Interviews with the Board

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

21. Failure to Practice

In the event respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost Recovery. Respondent's license/registration shall be automatically cancelled if respondent's period of non-practice total two years.

22. Change of Place of Employment or Place of Residence

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.

23. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this Decision.

24. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee,

satisfactory evidence of compliance with this term of probation.

(*FYI: Respondents should seek guidance from Board staff regarding appropriate application of this condition).*

25. Notification to Employer

Respondent shall provide each of his or her current or future employers, when performing services that fall within the scope of practice of his or her license, a copy of this Decision and the Statement of Issues or Accusation before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

The Respondent shall provide to the Board the names, physical addresses, and telephone numbers of all employers, supervisors, and contractors.

Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor or contractor regarding the licensee or registrant's work status, performance, and monitoring.

26. Violation of Probation

If respondent violates the conditions of his/her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation/suspension) of respondent 's license [or registration] provided in the decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's license [or registration] or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, respondent's license [or registration] shall be fully restored.

27. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active license with the Board, including any period during which suspension or probation is tolled. Should respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this probation not previously satisfied.

28. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal

acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and if applicable wall certificate to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

29. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

30. Notification to Referral Services

Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the Board that respondent seeks to join.

31. Reimbursement of Probation Program

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be $_____ per year.

32. Cost Recovery

Respondent shall pay the Board $_____ as and for the reasonable costs of the investigation and prosecution of Case No. _____. Respondent shall make such payments as follows: [Outline payment schedule.] Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. _____. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of his or her obligation to reimburse the board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

IV. BOARD POLICIES AND GUIDELINES

Accusations

The Board of Behavioral Sciences (Board) has the authority pursuant to Section 125.3 of the Business and Professions Code to recover costs of investigation and prosecution of its cases. The Board requests that this fact be included in the pleading and made part of the accusation.

Statement of Issues

The Board will file a Statement of Issues to deny an application of a candidate for the commission of an act, which if committed by a licensee would be cause for license discipline.

Stipulated Settlements

The Board will consider entering into stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to settlement with the Board, he or she may be required to admit to the violations set forth in the Accusation. The Deputy Attorney General must accompany all proposed stipulations submitted with a memo addressed to Board members explaining the background of the case, defining the allegations, mitigating circumstances, admissions, and proposed penalty along with a recommendation.

Recommended Language for License Surrenders

"Admission(s) made in the stipulation are made solely for the purpose of resolving the charges in the pending accusation, and may not be used in any other legal proceedings, actions or forms, except as provided in the stipulation.

The admissions made in this stipulation shall have no legal effect in whole or in part if the Board does not adopt the stipulation as its decision and order.

Contingency

This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his/her counsel. By signing the stipulation, Respondent understands and agrees that he/she may not withdraw his/her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

Respondent fully understands that when the Board adopts the license surrender of respondent's license, respondent will no longer be permitted to practice as a _____ in California. Respondent further understands that the license surrender of his or her license, upon adoption, shall be considered to be a disciplinary action and shall become a part of respondent 's license history with the Board.

The respondent further agrees that with the adoption by the Board of his or her license surrender, respondent may not petition the Board for reinstatement of the surrendered license.

Respondent may reapply to the Board for licensure three years from the date of surrender and must meet all current requirements for licensure including, but not limited, to filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

Respondent understands that should he or she ever reapply for licensure as a _____ or should he or she ever apply for any other registration or licensure issued by the Board, or by the Board of Psychology, all of the charges contained in Accusation No._____ shall be deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny such application or reapplication."

Recommended Language for Registration Applicants

IT IS HEREBY ORDERED THAT Respondent _____ be issued a Registration as a _____. Said Registration shall be revoked. The revocation will be stayed and Respondent placed on _____years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

Recommended Language for Registrants

IT IS HEREBY ORDERED THAT_____ Registration Number _____ issued to Respondent _____ is revoked. The revocation will be stayed and respondent placed on _____years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

Recommended Language for Licensees

IT IS HEREBY ORDERED THAT_____ License Number _____ issued to Respondent _____ is revoked. The revocation will be stayed and respondent placed on _____years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if respondent is granted another registration or license regulated by the Board.

Proposed Decisions

The Board requests that proposed decisions include the following if applicable:

A. Names and addresses of all parties to the action.

B. Specific Code section violated with the definition of the code in the Determination of Issues.

C. Clear description of the acts or omissions that constitute a violation.

D. Respondent's explanation of the violation in the Findings of fact if he or she is present at the hearing.

E. Explanation for deviation from the Board's Disciplinary Guidelines.

When a probation order is imposed, the Board requests that the Order first list the Optional Terms and Conditions (1-16) followed by the Standard Terms and Conditions (17-32) as they may pertain to the

particular case. If the respondent fails to appear for his or her scheduled hearing or does not submit a notice of defense, such inaction shall result in a default decision to revoke licensure or deny application.

Reinstatement / Reduction of Penalty Hearings

The primary concerns of the Board at reinstatement or penalty relief hearings are (1) the Rehabilitation Criteria for Suspensions or Revocations identified in Title 16, California Code of Regulations Section 1814, and (2) the evidence presented by the petitioner of his or her rehabilitation. The Board is not interested in retrying the original revocation or probation case. The Board shall consider, pursuant to Section 1814, the following criteria of rehabilitation:

(1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any acts committed subsequent to the acts or crimes under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the acts or crimes giving rise to the suspension or revocation.

(4) Whether the licensee has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against such person.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent, or immaterial.

(7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.

(8) Evidence, if any, of rehabilitation submitted by the licensee.

In the Petition Decision the Board requires a summary of the offense and the specific codes violated which resulted in the revocation, surrender, or probation of the license.

In petitioning for Reinstatement or Reduction of Penalty under Business and Professions Code Section 4982.2, the petitioner has the burden of demonstrating that he or she has the necessary and current qualifications and skills to safely engage in the practice of marriage and family therapy, clinical social work, educational psychology, or professional clinical counselor within the scope of current law, and accepted standards of practice. In reaching its determination, the Board considers various factors including the following:

A. The original violations for which action was taken against the petitioner's license;

B. Prior disciplinary and criminal actions taken against the petitioner by the Board, any State, local, or Federal agency or court;

C. The petitioner's attitude toward his or her commission of the original violations and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts;

D. The petitioner's documented rehabilitative efforts;

E. Assessment of the petitioner's rehabilitative and corrective efforts;

F. In addition, the Board may consider other appropriate and relevant matters not reflected above.

If the Board should deny a request for reinstatement of a revoked license or reduction of penalty (modification or termination of probation), the Board requests the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such proceeding shall go forth without the petitioner's presence and the Board will issue a decision based on the written evidence and oral presentations submitted.

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To:	Board Members	**Date:**	August 5, 2016
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817

Subject: Technical and Non-Substantive Regulatory Changes

California Code of Regulations (CCR) Title 1, Section 100 allows an agency to add to, revise or delete regulatory text without following the specified rulemaking procedures if the change does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of a CCR rights provision. Due to past statutory changes, technical and non-substantive amendments to current regulations are needed.

Proposed Changes

Staff has identified a number of changes that meet the above criteria within Division 18 of Title 16 of the CCR. They are as follows:

1. **Authority and Reference Citations:** Update and correct "authority" and "reference" citations for consistency with current statutes.

   Sections affected: 1803, 1804, 1810, 1810.1, 1812, 1813, 1814, 1816.1, 1816.2, 1820.5, 1821, 1845, 1846, 1850.6, 1850.7, 1856, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70 and 1886.80.

2. **Continuing Education (CE):**
   - Update and repeal regulations pertaining to Board-approved continuing education providers. The Board's program that issued approvals for continuing education providers ceased on July 1, 2015 and was replaced by regulations that instead recognize "approval agencies" specified in 16 CCR section 1887.4.1, as well as the Board-recognized CE providers specified in 16CCR section 1887.4.3.

   - Correct statutory citations that are outdated due to the passage of legislation.

   - Change the term "CE Exception" to "CE Waiver" to more accurately convey that the CE may be waived only for the current renewal period, and not for a future renewal

period. It is common for applicants to mistakenly believe that an approval means they are "exempt" from future CE requirements.

- Technical and grammatical changes to forms required for requesting a waiver of CE as follows:
  - To more accurately convey the actual regulatory requirements
  - To update the "Notice of Collection of Personal Information" to reflect current laws protecting privacy and personal information.
  - To remove the applicant's social security number box, as it is not necessary
  - To remove duplicative form instructions
  - To remove an outdated item on the "Request for CE Waiver – Licensee Application", under Part 2, question 3. It is no longer necessary to request to complete all CE hours via self-study, as this is now permitted for all licensees.

Sections affected: 1807, 1807.2, 1810, 1810.1, 1810.2, 1887, 1887.2, 1887.3, 1887.4, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.11.0, 1887.13, 1887.14 and 1887.15.

3. **LPCC Grandparenting:** Repeal regulations pertaining to the LPCC grandparenting program. Per Business and Professions Code (BPC) section 4999.54, the grandparenting application deadline was December 31, 2011, and the Board has completed evaluating all applications received under this program.

   Sections affected: 1816.2(g) and 1816.8

4. **Examination Restructure:** Repeal regulations pertaining to outdated examinations, and delete language specifying the implementation date of January 1, 2016.

   Sections affected: 1822.50(c), 1822.51(b), 1822.52(d), 1829, 1829.1(c), 1829.2(b), 1829.3(d), 1877, 1877.2(b) and 1877.3(d)

5. **Technical and Grammatical Changes:**

   Sections affected: 1820.5, 1854, 1886, 1886.10, 1887.2

Recommendation

If the proposed changes are acceptable, direct staff to make any nonsubstantive changes to the attached amendments and submit a regulation package.

Attachment A: Proposed Regulatory Language
Attachment B: Request for Continuing Education Exception/Waiver
Attachment C: Request for Continuing Education Exception/Waiver; Verification of Disability or Medical Condition

ATTACHMENT A

PROPOSED REGULATORY LANGUAGE

California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 18. Board of Behavioral Sciences

ARTICLE 1. GENERAL PROVISIONS

§1803. DELEGATION OF CERTAIN FUNCTIONS

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing, issue orders compelling an evaluation of a licensee's or registrant's physical or mental condition in accordance with Section 820 of the Business and Professions Code and perform other functions necessary to the efficient dispatch of the business of the board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation, surrender or interim suspension of a license or registration; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 820, ~~4980.07~~, 4990.04 and 4990.12, Business and Professions Code; and Sections 11415.60 and 11500~~-~~ through 11528, Government Code.

§1804. FILING OF ADDRESSES

Each person or professional corporation regulated by the board shall maintain a current mailing address with the board and shall notify the board within thirty (30) days concerning any change of address giving both the old and new addresses.

Note: Authority cited: Sections 4980.60~~, 4990.11~~ and 4990.20, Business and Professions Code. Reference: Sections ~~4980.07,~~ 136, 4990.08 and 4990.12, Business and Professions Code.

§1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of marriage and family therapists, clinical social workers, and professional clinical counselors by Sections 25, 4980.41, 4996.2, and 4999.32 of the Code shall:

(a) Consist of a minimum of ten (10) hours of training or coursework.

(b) Include the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior or sexual disorders.

(c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or

(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider ~~approved~~ accepted by the board; or

(4) A course sponsored by a professional association; or

(5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 25, 4980.41, 4980.54, 4996.2, 4996.22, and 4999.32, Business and Professions Code.

§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

In addition to all other requirements for licensure, all persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor or renewal of a license as an educational psychologist shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation to the board. The coursework or training in child abuse assessment and reporting shall consist of not less than 7 classroom hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall be:

(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education Code; or

(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or

(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or

(d) Obtained from a continuing education provider ~~approved~~ accepted by the board.

(e) Completed after January 1, 1983.

(f) A licensed educational psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2012.

Note: Authority cited: Sections 28, 4980.60, 4989.34 and 4990.20, Business and Professions Code. Reference: Sections 28, 4980.54, 4989.34, 4996.22, and 4999.32, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

§1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

(a) The instruction and training in alcoholism and other chemical substance dependency required by Sections 4980.41, ~~4980.80, 4980.90,~~ 4980.81, 4996.2, 4996.17, and 4999.32 of the Code shall consist of not less than fifteen hours of classroom training or coursework and shall include each of the following areas:

(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.

(2) Medical aspects of alcoholism and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the abuser and family.

(9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

(b) For persons subject to Section 4980.41 ~~(d)~~(a)(4) of the Code, the training or coursework shall be:

(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832 of these regulations or is approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code~~;~~.

(c) For all others, the training or coursework shall be:

(1) Obtained from the educational institutions identified in subsection (b) (1); or

(2) Obtained from or sponsored by a local, county, state or federal governmental entity; or

(3) Obtained from a licensed health facility; or

(4) Obtained from a continuing education provider ~~approved~~ accepted by the board.

(d) A licensed educational psychologist that renews his or her license on or after January 1, 2012 shall receive not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency that shall include classroom training or coursework in each of the following areas:

(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.

(2) Medical aspects of alcoholism and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

(4) The role of persons and systems that support or compound the abuse.

(5) Major treatment approaches to alcoholism and chemical dependency.

(6) Legal aspects of substance abuse.

(7) Knowledge of certain populations at risk with regard to substance abuse.

(8) Community resources offering assessment, treatment and follow-up for the abuser and family.

(9) The process of referring affected persons.

(10) Education concerning and prevention of substance abuse.

(e) Training and coursework received pursuant to subsection (d) of this section shall be obtained as provided in subsection (c) of this section.

Note: Authority cited: Sections 4980.60~~, 4989.34~~ and 4990.20, Business and Professions Code. Reference: Sections 4980.41, ~~4980.80, 4980.90~~ 4980.81, 4989.34, 4996.2, 4996.17, and 4999.32, Business and Professions Code.

§1810.1. CALIFORNIA LAW AND ETHICS TRAINING; ACCEPTABLE EDUCATION PROVIDERS

The California law and ethics training required of professional clinical counselors and out-of-state marriage and family therapist applicants required by Sections ~~4980.80~~ 4980.78, 4980.79 or 4980.81 and Section 4999.32 of the Code shall:

(a) Have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,

(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider ~~approved~~ accepted by the board; or

(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections ~~4980.80~~ 4980.78, 4980.79, 4980.81 and 4999.32, Business and Professions Code.

§1810.2. CRISIS OR TRAUMA COUNSELING TRAINING

The crisis or trauma counseling training required by Sections 4999.32 of the Code shall:

(a) Have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,

(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider ~~approved~~ accepted by the board; or

(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.32, Business and Professions Code.

§1812. SUBSTANTIAL RELATIONSHIP CRITERIA

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

Note: Authority cited: Sections 4980.60 and 4999.20, Business and Professions Code. Reference: Sections 481, 490, ~~and~~ 4982, 4989.54, 4992.3, and 4999.90, Business and Professions Code.

§1813. CRITERIA FOR REHABILITATION-DENIAL OF LICENSURE

When considering the denial of a license or registration under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration shall consider the following criteria:

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in Section 480 of the Code.

(d) The extent to which the applicant has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against the applicant.

(e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 480, and 482 ~~and 4982~~, Business and Professions Code.

§1814. CRITERIA FOR REHABILITATION-SUSPENSIONS OR REVOCATIONS

(a) When considering the suspension or revocation of a license, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the suspension or revocation.

(4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial.

(7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.

(8) Evidence, if any, of rehabilitation submitted by the licensee.

(b) When considering a petition for reinstatement of a license or registration under the provisions of Section 11522 of the Government Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in Section 1813 of this article.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 482 and ~~4982~~ 490, Business and Professions Code.

ARTICLE 2. FEES

§1816.1. INITIAL LICENSE AND REGISTRATION FEES

(a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars ($130.00).

(b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars ($80.00).

(c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars ($100.00).

(d) The fee for initial issuance of the licensed professional clinical counselor license shall be two hundred dollars ($200.00).

(e) The fee for initial application of the professional clinical counselor intern registration shall be one hundred dollars ($100.00).

Note: Authority Cited: Sections 4980.60~~,~~ and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, ~~4996.18,~~ and 4999.120, Business and Professions Code.

§ 1816.2. EXAMINATION FEES

(a) The licensed clinical social worker California law and ethics examination fee shall be one hundred dollars ($100.00).

(b) The board administered licensed clinical social worker clinical examination fee shall be one hundred dollars ($100.00).

(c) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred dollars ($100.00).

(d) The board administered licensed marriage and family therapist clinical examination fee shall be one hundred dollars ($100.00).

(e) The licensed educational psychologist written examination fee shall be one hundred dollars ($100.00).

(f)The licensed professional clinical counselor California law and ethics examination shall be one hundred dollars ($100.00).

~~(g) The licensed professional clinical counselor examination described in Section 4999.54(b) of the Code shall be one hundred dollars ($100.00).~~

Note: Authority Cited: 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3~~, 4999.54,~~ and 4999.120, Business and Professions Code.

~~**§1816.8. APPLICATIONS FOR LICENSURE PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 4999.54**~~

~~The application fee for licensure pursuant to Business and Professions Code Section 4999.54 shall be one hundred and eighty dollars ($180).~~

~~*Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4999.54 and 4999.120, Business and Professions Code.*~~

~~**§1819.1. CONTINUING EDUCATION PROVIDER FEES**~~

~~The application fee for board approval as a continuing education provider is two hundred dollars ($200.00). This fee also covers the issuance of the initial two-year continuing education provider approval.~~

~~*Note: Authority Cited: Sections 4980.60, 4989.34, and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, 4999.32, and 4999.76, Business and Professions Code.*~~

ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1820.5 EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES

(a) Clinical counselor trainees, as defined in Section 4999.12, shall be exempt from Section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections

4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

(b) Trainees may not count supervised experience with couples or families toward the requirements of section 4999.20(a)(3) of the Code.

(c) Professional clinical counselor interns and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if the intern or licensee meets all of the following requirements:

(1) Is gaining supervised experience to comply with Section 4999.20(a)(3)(B) or 4999.46(b)~~(2)~~(3) of the Code.

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an “approved supervisor” as described in Section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical counselor, he or she must also meet all requirements specified in Section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice couples and family therapy in California.

(d) Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or intern who does not meet the requirements of section 4999.20(a)(3) of the Code, and who is not working under supervision toward meeting the requirements of section 4999.20(a)(3) of the Code. Collateral contact with the family may include, but is not limited to, treatment planning, recommending resources, monitoring progress, or termination and aftercare planning.

Note: Authority cited: Section~~s~~ 4990.20, Business and Professions Code. Reference: Sections 4990.20, 4999.32, and 4999.33 Business and Professions Code.

§1821. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising an intern (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the “Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern” (form No.1800 37A-643, New 3/10), hereby incorporated by reference, requiring that:

(1) The supervisor possesses and maintains a current valid California license as either a professional clinical counselor, marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4999.12 (h) of the Code and has been so licensed in California for at least two years prior to commencing any supervision.

(2) A supervisor who is not licensed as a professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

(3) The supervisor keeps himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the intern of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns.

(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of interns and the experience required for licensure as a professional clinical counselor.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the education, training, and experience of the intern.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the intern the manner in which emergencies will be handled.

(c) Each supervisor shall provide the intern with the original signed “Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern” (new 03/10, form No. 1800 37A-643) prior to

the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800 37A-643) from each supervisor upon application for examination eligibility.

(d) A supervisor shall give at least one (1) week's prior written notice to an intern of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(e) The supervisor shall obtain from each intern for whom supervision will be provided, the name, address, and telephone number of the intern's most recent supervisor and employer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.

(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).

Note: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, and 4999.44 through 4999.48 ~~and 4999.54~~, Business and Professions Code.

§ 1822.50. EXAMINATIONS

(a) The written examinations shall test for minimum acceptable competency to practice professional clinical counseling without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of-and ability to apply legal and ethical standards relating to the practice of professional clinical counseling.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the professional clinical counselor scope of practice.

(b) The clinical examination as described in subsection (a)(2) shall be the National Clinical Mental Health Counseling Examination.

~~(c) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, and 4999.55, Business and Professions Code.

§ 1822.51. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

~~(a)~~ Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

~~(1)~~(a) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

~~(A)~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4999.55(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

~~(2)~~(b) The applicant currently has an approved application for licensure.

~~(b) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55, and 4999.100, Business and Professions Code.

§ 1822.52. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4999.55(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4999.55(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

~~(d) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55 and 4999.100, Business and Professions Code.

ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS

~~**§ 1829. EXAMINATIONS**~~

~~The written examinations shall consist of the following:~~

~~(a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and~~

~~(b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.~~

~~(c) This section shall become inoperative on January 1, 2016.~~

~~*Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Section 4980.40, Business and Professions Code.*~~

§ 1829.1. REQUIRED EXAMINATIONS

(a) The written examinations shall test for minimum acceptable competency to practice marriage and family therapy without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant’s knowledge of-and ability to apply legal and ethical standards relating to the practice of marriage and family therapy.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the marriage and family therapist scope of practice.

(b) The clinical examination as described in subsection (a)(2) shall be a board administered examination.

~~(c) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399 and 4980.50, Business and Professions Code.

§ 1829.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

~~(a)~~ Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

~~(1)~~(a) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

~~(A)~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4980.399(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

~~(2)~~(b) The applicant currently has an approved application for licensure.

~~(b) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

§ 1829.3. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4980.399(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4980.399(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

~~(d) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

§1845. UNPROFESSIONAL CONDUCT

As used in Section 4982 of the code, unprofessional conduct includes, but is not limited to:

(a) Performing or holding himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(b) Permitting a trainee or intern under his or her supervision or control to perform or permitting the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience.

(c) Failing to comply with the child abuse reporting requirements of Penal Code Section 11166.

(d) Failing to comply with the elder and dependent adult abuse reporting requirements of Welfare and Institutions Code Section 15630.

(e) Failure to provide to the board, as authorized by law, copies of records within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide the records within this time period for good cause. Good cause includes, but is not limited to, physical inability to access the records in the time allowed due to illness or travel, or inability to obtain the necessary patient release authorization, if applicable. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.

(f) Failure to cooperate and participate in any board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or

any other constitutional or statutory rights or privileges. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory rights or privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.

(g) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety Code sections 11357(b), (c), (d), (e) or 11360(b). A conviction includes any verdict of guilty, or plea of guilty or no contest.

(2) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(h) Failure to provide, within 30 days of a request, documentation to the Board regarding the arrest of the licensee or registrant, except for records of convictions or arrests protected under Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

(i) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections ~~4980.03,~~ 4980.60 and 4982, Business and Professions Code; ~~and~~ Sections 1000.4 and 11166, Penal Code; Sections 11357, 11360, 11361.5 and 11361.7, Health and Safety Code; and Section 15630, Welfare and Institutions Code.

§1846. MARRIAGE AND FAMILY THERAPIST INTERNS

The registration of each intern shall expire at midnight one year from the last day of the month in which the registration was issued.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03(b), and 4980.44 ~~and 4984.7(e)~~, Business and Professions Code.

ARTICLE 4.5. PROFESSIONAL CORPORATIONS

§1850.6. NAME OF CORPORATION

The wording or abbreviation denoting corporate existence shall be limited to one of the following: "Professional Corporation," "Prof. Corp.," "Corporation," "Corp.," "Incorporated," or "Inc."

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections ~~4987.8~~ 4987.7 and ~~4998.3~~ 4998.2, Business and Professions Code.

§1850.7. SHARES: OWNERSHIP AND TRANSFER

(a) The shares of a marriage and family therapist corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(b) The shares of a licensed clinical social worker corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(c) Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

(d) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again ceases to become a disqualified person.

(e) The restrictions of subdivisions (a) or (b) where appropriate and, if appropriate, subdivision (c) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

(f) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or his or her shares.

(g) The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) or (b) where appropriate, and where applicable, the restriction of subdivision (c), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60, 4988.2 and 4990.20, Business and Professions Code. Reference: Sections ~~4987.9,~~ 4988, 4998.4 and 4998.5, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854. EQUIVALENT DEGREES

Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:

(a) Western Association of Schools and Colleges.

(b) Northwest ~~Association of Secondary and Higher Schools~~ Commission on Colleges and Universities.

(c) Middle States Association of Colleges and Secondary Schools.

(d) New England Association of ~~Colleges and Secondary~~ Schools and Colleges.

(e) North Central Association of Colleges and Secondary Schools.

(f) Southern Association of Colleges and Schools.

(g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree ~~or degrees~~.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4989.20(a)(1), Business and Professions Code.

§1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALED SCHOOL PSYCHOLOGIST

(a) No more than one year of experience will be granted for any 12 month period.

(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section ~~4982.20~~ 4989.20, Business and Professions Code.

ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS

~~**§ 1877. EXAMINATIONS**~~

~~The written examinations shall consist of the following:~~

~~(a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and~~

~~(b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.~~

~~(c) This section shall become inoperative on January 1, 2016.~~

~~*Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4992.1, Business and Professions Code.*~~

§ 1877.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

~~(a)~~ Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

~~(1)~~(a) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

~~(A)~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4992.09(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

~~(2)~~(b) The applicant currently has an approved application for licensure.

~~(b) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4992.05, 4992.07, 4992.09, 4992.1, and 4996.28, Business and Professions Code.

§ 1877.3. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose associate registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose associate registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4992.09(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4992.09(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

~~(d) This section shall become operative on January 1, 2016.~~

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4992.05, 4992.07, 4992.09, 4992.1, 4996.4 and 4996.28, Business and Professions Code.

ARTICLE 7. CITATIONS AND FINES

§1886. AUTHORITY TO ISSUE CITATIONS AND FINES

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed marriage and family therapist (LMFT), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), licensed professional clinical counselor (LPCC), ~~MFT Intern~~ marriage and family therapist intern, ~~A~~associate ~~C~~clinical ~~S~~social ~~W~~worker, or professional clinical counselor intern of the statutes and regulations enforced by the Board of Behavioral Sciences.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.10. CITATIONS FOR UNLICENSED PRACTICE

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, as defined in Section 302(d) of the Code, who are performing or who have performed services for which a license is

required under the statutes and regulations enforced by the Board of Behavioral Sciences. Each citation issued for unlicensed activity shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with section 1886.40 of these regulations. The provisions of sections 1886 ~~-~~ through 1886.80 shall apply to the issuance of citations for unlicensed activity under this section. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, ~~125.95,~~ 148, 149 and 302(d), Business and Professions Code.

§1886.20. CITATION FORMAT

A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of each violation, including a reference to the statute(s) or regulation(s) alleged to have been violated. The citation shall inform the cited person of the right to contest the citation. The citation shall be served upon the cited person personally or by certified mail in accordance with the provisions of Section 11505 (c) of the Government Code.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.30. CITATION FACTORS

In assessing an administrative fine or issuing an order of abatement, the executive officer of the board shall give due consideration to the following factors:

(a) The gravity of the violation.

(b) The good or bad faith exhibited by the cited person.

(c) The history of previous violations of the same or similar nature.

(d) Evidence that the violation was or was not willful.

(e) The extent to which the cited person has cooperated with the board's investigation.

(f) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation.

(g) Any other factors as justice may require.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.40. AMOUNT OF FINES

(a) For purposes of this section, a "citable offense" is defined as any violation of the statutes and regulations enforced by the Board of Behavioral Sciences, including Chapters 13, 13.5, 14, and 16 of Division Two of the Business and Professions Code and Title 16, Division 18, California Code of Regulations.

(b) The executive officer of the board may assess fines for citable offenses which shall not exceed two thousand five hundred dollars ($2,500) for each investigation except as otherwise provided in this section. The executive officer shall not impose any duplicate fines for the same violation.

(c) The executive officer of the board may assess fines for citable offenses which shall not exceed five thousand ($5,000) for each investigation if the violation or count includes one or more of the following circumstances:

(1) The cited person has a history of two or more prior citations for similar violations, except for citations withdrawn or dismissed after appeal.

(2) The citation involves multiple violations that demonstrate a willful disregard of the statutes or regulations.

(3) The citation is for a violation or violations involving a minor, elder or dependent adult, or a person with a physical or mental disability as defined in Section 12926 of the Government Code.

(4) The citation involves unlicensed practice.

(5) The citation involves an unlawful or unauthorized breach of confidentiality.

(6) The citation is for failure to submit fingerprints to the Department of Justice as required by the Board.

(d) The executive officer of the board may assess fines which shall not exceed five thousand dollars ($5,000) for each violation or count if the violation or count involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.

Note: Authority cited: Sections 125.9, 148, 149, 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 123, 125, 125.9, 136, 141, 148, 149, ~~480,~~ 651, 654.2, 702, ~~703~~, 728, 4980, 4980.02, 4980.30, ~~4980.43,~~ 4980.44, ~~4980.45, 4980.46,~~ 4980.48, 4982, ~~4982.25,~~ 4984, ~~4987.7, 4987.8, 4988,~~ 4988.1, ~~4989.10, 4989.12,~~ 4989.14, ~~4989.20, 4989.22, 4989.24, 4989.26, 4989.28, 4989.34,~~ 4989.54, 4992.3, ~~4992.36,~~ 4996, 4996.5, 4996.7, ~~4996.8,~~ 4996.9, 4996.16, ~~4996.18, 4996.19, 4996.22, 4996.23, 4998.2, 4998.3, 4998.4,~~ 4998.1, 4998.5, 4999.20, 4999.24, 4999.30, ~~4999.32, 4999.33, 4999.42, 4999.44,~~ 4999.45, ~~4999.46, 4999.54, 4999.58, 4999.60~~ 4999.90, 4999.124, and ~~4999.76~~ 4999.128, Business and Professions Code; Section 12926, Government Code; and Section 15630, Welfare and Institutions Code.

§1886.50. EXCEPTIONS

A citation shall not be issued in any of the following circumstances:

(a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the cited person are necessary in order to ensure consumer protection.

(b) The cited person failed to comply with any requirement of any previous citation, including any order of abatement or fine.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.60. COMPLIANCE WITH CITATION/ORDER OF ABATEMENT

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the citation is contested and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against the cited person.

(d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code; Section 11505(c), Government Code.

§1886.70. CONTESTED CITATIONS AND REQUEST FOR A HEARING OR INFORMAL CITATION CONFERENCE

(a) If a cited person wishes to contest the citation, assessment of the administrative fine, or order of abatement, the cited person shall, within thirty (30) days after service of the citation, file in writing a request for an administrative hearing to the executive officer regarding the acts charged in the citation, as provided for in subdivision (b)(4) of Section 125.9 of the Code.

(b) In addition to or instead of requesting an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, the cited person may, within 30 days after service of the citation, contest the citation by submitting a written request for an informal citation conference to the executive officer or his/her designee.

(c) Upon receipt of a written request for an informal citation conference, the executive officer or his/her designee shall, within 60 days, hold an informal citation conference with the cited person. The cited person may be accompanied and represented at the informal citation conference by an attorney or other authorized representative.

(d) If an informal citation conference is held, the request for an administrative hearing shall be deemed to be withdrawn and the executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued, at the conclusion of the informal citation conference. If affirmed or modified, the citation originally issued shall be considered withdrawn and an affirmed or modified citation, including reasons for the decision, shall be issued. The affirmed or modified citation shall be mailed to the cited person and his/her counsel, if any, within 10 days from the date of the informal citation conference.

(e) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.80. DISCONNECTION OF TELEPHONE SERVICE

Nothing in this section shall preclude the board from using the provisions of Section 149 of the Code in addition to any citation issued to an unlicensed person.

Note: Authority cited: Sections 125.9, 148, 149, ~~and~~ 4980.60, ~~4987,~~ and 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL COUNSELORS

~~§1887. DEFINITIONS~~

~~INOPERATIVE July 1, 2015~~

~~As used in this article:~~

~~(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.~~

~~(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).~~

~~(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.~~

~~(d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.~~

~~(e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4999.76 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

§1887. DEFINITIONS

~~**OPERATIVE July 1, 2015**~~

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location that has been verified and approved by the continuing education provider.

(b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.

(c) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.

(d) A “renewal period” means the two-year period that spans from the effective date of the license to the expiration date.

(e) An “approval agency” means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the continuing education requirements of the board, and monitors the quality of each approved continuing education course.

Note: Authority cited: Sections 4980.60, 4989.34, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS~~

~~INOPERATIVE July 1, 2015~~

~~(a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.~~

~~(b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.~~

~~(c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled “Request for Continuing Education Exception – Licensee Application,” Form No. 1800 37A-635 (Rev 3/10), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.~~

~~(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:~~

~~(A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to his or her military service;~~

~~(B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country; or~~

~~(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family~~

~~member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10), hereby incorporated by reference.~~

~~*Note: Authority cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

§1887.2. ~~EXCEPTIONS FROM~~ WAIVER OF CONTINUING EDUCATION REQUIREMENTS

~~**OPERATIVE July 1, 2015**~~

(a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.

(b) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Sections 4984.8, 4989.44, 4997 or 4999.112 of the Code.

(c) A licensee may submit a written request for ~~exception~~ waiver from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education ~~Exception~~ Waiver – Licensee Application," Form No. 1800 37A-635 (~~Rev 03/10~~ Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for ~~exception~~ waiver or reasonable accommodation, whether the ~~exception~~ waiver or accommodation was granted. If the request for ~~exception~~ waiver or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for ~~exception~~ waiver or accommodation is approved, it shall be valid for one renewal period.

(1) The board shall grant a~~n~~ ~~exception~~ waiver if the licensee can provide evidence, satisfactory to the board, that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to his or her military service;

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member,

including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education ~~Exception~~ Waiver – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (~~New 03/10~~ Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference.

Note: Authority cited: Sections 4980.54, 4980.60, 4989.34, 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12926 and 12944, Government Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS~~

~~INOPERATIVE July 1, 2015~~

~~(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during each renewal period.~~

~~(b) A marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.~~

~~(c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.~~

~~(d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.~~

~~(e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.~~

~~(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.~~

~~(g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.~~

~~(h) Provisions of this section shall apply to licensed educational psychologists as follows:~~

~~(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).~~

~~(2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

~~**OPERATIVE July 1, 2015**~~

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in Section 1887.4.0.

(b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) Any person renewing his or her license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

(e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.

(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

(h) A licensee who attends the board enforcement case review training may be awarded up to six hours of continuing education in the renewal cycle in which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.

(i) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six hours of continuing education in the renewal cycle in which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.

(j) A licensee who participates in a board examination development workshop may be awarded six hours of continuing education in the renewal cycle in which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.

(k) A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six hours of continuing education in the renewal cycle in which the participation

occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.4.0. CONTINUING EDUCATION COURSE CONTENT

~~**OPERATIVE July 1, 2015**~~

(a) Courses shall meet the requirements, relevant to each practice, as set forth in Sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.

(b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and;

(1) demonstrate credibility through the involvement of the broader mental health practices, education, and science communities in studying or applying the findings, procedures, practices or theoretical concepts; or

(2) be related to ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.

(c) Each continuing education course shall have:

(1) written educational goals and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course;

(2) an evaluation mechanism that allows each participant to evaluate the continuing education course;

(3) a syllabus that provides a general outline of the course, which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and

(4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

1887.4.1. BOARD-RECOGNIZED APPROVAL AGENCIES

~~**OPERATIVE July 1, 2015**~~

(a) The following are board-recognized approval agencies:

(1) National Association of Social Workers (NASW)
(2) Association of Social Work Boards (ASWB)
(3) National Board of Certified Counselors (NBCC)
(4) National Association of School Psychologists (NASP)
(5) American Psychological Association (APA)

(b) The board may recognize another entity as an approval agency if the entity can demonstrate in writing the following:

(1) The entity is an organization that represents a licensed health care profession.

(2) The entity has a documented Code of Ethics.

(3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:

(A) Maintaining and managing records and data related to continuing education programs.

(B) Monitoring and approving continuing education providers and courses.

(4) The entity has policies to avoid a conflict of interest between any provider and approval functions.

(5) The entity has the capacity to evaluate courses to ensure compliance with Section 1887.4.0.

(c) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

(d) Failure of the entity to substantially comply with the provisions as set forth in Section 1887.4.2 shall constitute cause for revocation of recognition by the board.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

1887.4.2. APPROVAL AGENCY RESPONSIBILTIES

~~**OPERATIVE July 1, 2015**~~

(a) Each board-recognized approval agency shall:

(1) Evaluate each continuing education provider seeking approval in accordance with the requirements of Section 1887.4.3.

(2) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.

(3) Provide the board with the name, address and responsible party of each provider upon request.

(4) Respond to complaints from the board, providers, or licensees concerning activities of any of its approved providers or their courses.

(5) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.

(6) Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.

(7) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.4.3. CONTINUING EDUCATION PROVIDER RESPONSIBILITIES

~~**OPERATIVE July 1, 2015**~~

(a) A continuing education provider shall be either:

(1) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;

(2) a board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or

(3) an organization, institution, association, or other entity that is recognized by the board as a continuing education provider. The following organizations are recognized by the board as continuing education providers:

(A) American Association for Marriage and Family Therapy (AAMFT)

(B) American Association for Marriage and Family Therapy-California Division (AAMFT-CA)
(C) California Association for Licensed Professional Clinical Counselors (CALPCC)
(D) California Association of Marriage and Family Therapists (CAMFT)
(E) National Association of Social Workers-California Chapter (NASW-CA)
(F) California Society for Clinical Social Work (CSCSW)
(G) California Association of School Psychologists (CASP)
(H) California Psychological Association (CPA)
(I) California Counseling Association (CCA)
(J) American Counseling Association (ACA)

(b) Each provider shall ensure that each continuing education course complies with the requirements of Section 1887.4.0.

(c) Each provider shall furnish each licensee a record of course completion as defined in Section 1887.11.0.

(d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in Section 1887.12(b). Credit hours awarded shall be in compliance with Section 1887.5.

(e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.

(f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.

(g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.

(h) Each provider must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.

(i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.

(j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.

(k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).

(l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~§1887.6. CONTINUING EDUCATION PROVIDERS~~

~~INOPERATIVE July 1, 2015~~

~~A continuing education course shall be taken from:~~

~~(a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code; or~~

~~(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

§1887.11.0 RECORDS OF COURSE COMPLETION

~~OPERATIVE July 1, 2015~~

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) Board-recognized approval agency name, or a statement that the provider is an entity recognized by the board to provide continuing education pursuant to Section 1887.4.3;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~1887.13 RENEWAL OF EXPIRED APPROVAL~~

~~A provider approval that has expired may be renewed at any time within one (1) year after its expiration, but before July 1, 2015, upon all of the following:~~

~~(a) Filing an application for renewal on a form prescribed by the board.~~

~~(b) Payment of the renewal fee in effect on the last regular renewal date.~~

~~(c) Payment of the delinquency fee in effect on the last regular renewal date.~~

~~(d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

~~1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL INOPERATIVE January 1, 2015~~

~~A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:~~

~~(a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and~~

~~(b) The applicant pays the fees that would be required if applying for approval for the first time.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
www.bbs.ca.gov

REQUEST FOR CONTINUING EDUCATION ~~EXCEPTION~~ WAIVER ~~–~~ LICENSEE APPLICATION

This form must be received by the Board at least sixty (60) days prior to ~~the~~ your license expiration date ~~of the license~~.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:
Date Received
Date Approved Denied
Date of Audit (if applicable)
Enforcement Approval ☐Yes ☐No Date: _____

(Please type or print clearly in ink)

Part 1 – To be Completed by Applicant/Licensee

~~*~~NAME: Last	First	Middle

BUSINESS TELEPHONE:	RESIDENCE TELEPHONE:		
ADDRESS OF RECORD: Number and Street	City	State	Zip Code

~~SOCIAL SECURITY NUMBER:~~	LICENSE NUMBER:	~~RENEWAL PERIOD REQUESTING EXCEPTION FOR~~ CURRENT LICENSE EXPIRATION DATE: _____/_____/_____ ~~to~~ ~~_____/_____/_____~~

REASON FOR ~~EXCEPTION~~ WAIVER: (Check √ one box only)

☐ **Health** (Complete Part 2) ☐ **Health- Primary Caregiver of Immediate Family Member** (Complete Part 2)

☐ **Military** (submit proof) ☐ **Out of Country** (submit proof)

Part 2 – To be Completed by Licensee to Explain Medical Condition or Disability
Please attach extra sheets if necessary

1. Provide a detailed description of the disability or medical condition and an explanation as to how the disability or medical condition limits one or more major life activities.

_____

_____

_____

_____

APPLICANT NAME: Last First Middle

2. Attach completed "Request for Continuing Education ~~Exception~~ Waiver – Verification of Disability or Medical Condition," Form No. 37A-636 (~~New 03/10~~ Revised [date to be inserted by OAL upon approval of regulations]).

3. What type of accommodation are you requesting?

☐ **Total ~~Exception from~~ Waiver of Continuing Education Requirements** – *By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the continuing education requirements due to one of the following:(a) total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.*

~~☐ **Request to Complete all Continuing Education Hours via Self -Study** – By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive continuing education requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you are the primary caregiver for that family member.~~

~~4.~~ ☐ **Other Accommodation -** Explain how another accommodation would allow you to comply with the continuing education requirements.

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that all the information that I have submitted on this form and on any accompanying attachment is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

Date	***Signature of Licensee***

Certifying on your renewal form that you have either completed the required hours of continuing education or been granted ~~an exception from~~ a waiver of the continuing education requirements prior to receiving the approved ~~exception~~ waiver may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b), 4992.3(b) ~~and~~ or 4999.90(b).

~~EXCEPTIONS FROM~~ INFORMATION ABOUT WAIVERS OF THE CE REQUIREMENT

~~Exception~~ Waiver Regulation, Title 16 ~~CCR~~ California Code of Regulations (CCR) Section 1887.2(c)
(c) A licensee may submit a written request for ~~exception~~ waiver from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education ~~Exception~~ Waiver," Form No. 37A-635 (~~Rev 03/10~~ Revised [date to be inserted by OAL upon approval of regulations]) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for ~~exception~~ waiver or reasonable accommodation, whether the ~~exception~~ waiver or accommodation was granted. If the request for ~~exception~~ waiver or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for ~~exception~~ waiver or accommodation is approved, it shall be valid for one renewal period.

(1) The Board shall grant a~~n~~ ~~exception~~ waiver if the licensee can provide evidence, satisfactory to the board that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education ~~Exception~~ Waiver – Verification of Disability or Medical Condition," Form No. 37A-636 (~~New 03/10~~ Revised [date to be inserted by OAL upon approval of regulations]).

How to Request ~~Exception~~ a Waiver
To request a~~n~~ ~~exception~~ waiver, complete ~~the form on the reverse side~~ this form and submit it to the board, along with ~~sufficient proof. The board will accept any~~ documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. ~~The~~ If your request is due to your own disability or medical condition, or an immediate family member's disability or medical condition, the Board may accept a written statement from ~~your~~ the attending physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above**. After the board's review, you will be notified whether your request was granted.

~~Exceptions~~ Waivers Cannot be Granted Before the Fact

The board can only grant ~~exceptions~~ a waiver w~~hen provided with proof that you have met the minimum criteria outlined in Section 1887.2(c)~~ for your current renewal period. The board cannot grant a waiver for a future renewal period, nor can it grant a waiver for a situation that you anticipate happening. You may request ~~exception~~ a waiver after the situation has occurred, or during the situation as long as you have met the minimum criteria. ~~*For example, if your license expiration date is July 31, 2012, and you are going to live out of the country from May 2011 through November 2012, you can submit your request for exception due to living out of the country anytime after May 2012.*~~

Send Your Waiver Request Before Submitting Your Renewal Application

Please send in your request for ~~exception~~ waiver prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for ~~exception~~ waiver. ***Do not submit your renewal application until you have received a written decision regarding your request for ~~exception~~ waiver. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for ~~exception~~ waiver at least sixty (60) days PRIOR to the expiration date of the license in order for the ~~exception~~ waiver to be considered.*** If you have any questions, please contact the board's CE program at (916) 574-7830.

Notice of Collection of Personal Information~~:~~

The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" ~~exception to~~ waiver of the Board's continuing education requirements. ~~Submission of your social security number is voluntary.~~ Submission of ~~other~~ personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for ~~exception to~~ waiver of the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be disclosed in the following circumstances: ~~transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena.~~

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

You have a right of access to records containing personal information about you maintained by the Board, ~~unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code~~ as permitted by the Information Practices Act. ~~Individuals may obtain information regarding the location of his or her records by containing the Public Records Request Coordinator at the following address and telephone number:~~For questions about this notice or access to your records, contact the Board at (916) 574-7830 or by email at BBS.info@dca.ca.gov. For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, contact the Department of Consumer Affairs, 1625 North Market Blvd.~~, Suite S-200~~, Sacramento, CA 95834 or ~~(916) 574-7830~~ (800) 952-5210 or email dca@dca.ca.gov.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY Governor Edmund G. Brown Jr.

Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
www.bbs.ca.gov

REQUEST FOR CONTINUING EDUCATION ~~EXCEPTION~~ WAIVER
VERIFICATION OF DISABILITY OR MEDICAL CONDITION

This form must be received by the Board at least sixty (60) days prior to ~~the~~ your license expiration date ~~of the license~~.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:
Date Received _____
Date Approved _____ Denied _____
Date of Audit (if applicable) _____
Enforcement Approval ☐Yes ☐No Date: _____

(Please type or print clearly in ink)

Part 1 - To be Completed by Applicant/Licensee

~~*~~NAME: Last First Middle

BUSINESS TELEPHONE:		RESIDENCE TELEPHONE:		
ADDRESS OF RECORD: Number and Street		City	State	Zip Code
~~*SOCIAL SECURITY NUMBER:~~	LICENSE NUMBER:	~~RENEWAL PERIOD REQUESTING EXCEPTION FOR~~ CURRENT LICENSE EXPIRATION DATE: _____/_____/_____ ~~to~~ ~~_____/_____/_____~~		

REASON FOR ~~EXCEPTION~~ WAIVER: (Check √ one box only)

☐ **Health** (Complete Part 2) ☐ **Health-Primary Caregiver of Immediate Family Member** (Complete Part 2)

Part 2 – To be Completed by Attending Physician/Psychologist

1. Provide a description of the physical or mental disability or medical condition and an explanation as to how the disability or medical condition limits one or more major life activities, including the licensee's ability to complete 36 hours of continuing education over a two-year period through classroom/seminar attendance, home study, Internet courses. Please attach additional sheets if necessary.

_____

_____

_____

2. A. Approximate date disability/medical condition began: _____

B. Disability/medical condition is ☐ Temporary ☐ Permanent

If Temporary, approximate date licensee will be able to resume his/her continuing education: _____

APPLICANT NAME: Last	First	Middle

3. Is licensee limited in working in his/her licensed capacity? ☐ Yes ☐ No

If Yes, please explain limitations:_____

_____

_____

Attending Physician's/Psychologist's Name	License Number	Business Telephone	
Attending Physician's/Psychologist's Address	City	State	Zip Code

I declare under penalty of perjury under the laws of the State of California that all the information I have submitted on this form and on any accompanying attachments is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

_____	_____
Date	***Signature of Licensee***
_____	_____
Date	***Signature of Physician/Psychologist***

~~***See "Notice of Collection of Personal Information" (over)***~~

Notice of Collection of Personal Information~~:~~

The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" ~~exception to~~ waiver of the Board's continuing education requirements. ~~Submission of your social security number is voluntary.~~ Submission of ~~other~~ personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for ~~exception to~~ waiver of the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be disclosed in the following circumstances: ~~transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena.~~

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

You have a right of access to records containing personal information about you maintained by the Board, ~~unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code~~ as permitted by the Information Practices Act. ~~Individuals may obtain information regarding the location of his or her records by containing the Public Records Request Coordinator at the following address and telephone number:~~For questions about this notice or access to your records, contact the Board at (916) 574-7830 or by email at BBS.info@dca.ca.gov. For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, contact the Department of Consumer Affairs, 1625 North Market Blvd.~~, Suite S-200~~, Sacramento, CA 95834 or ~~(916) 574-7830~~ (800) 952-5210 or email dca@dca.ca.gov.

~~EXCEPTIONS FROM THE CE REQUIREMENT~~

~~Exception~~ Waiver Regulation, Title 16 ~~CCR~~ California Code of Regulations (CCR) Section 1887.2(c)

(c) A licensee may submit a written request for ~~exception~~ waiver from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education ~~Exception~~ Waiver," Form No. 37A-635 (~~Rev 03/10~~ Revised [date to be determined by OAL upon approval of regulations]) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for ~~exception~~ waiver or reasonable accommodation, whether the ~~exception~~ waiver or accommodation was granted. If the request for ~~exception~~ waiver or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for ~~exception~~ waiver or accommodation is approved, it shall be valid for one renewal period.

(1) The board shall grant a~~n~~ ~~exception~~ waiver if the licensee can provide evidence, satisfactory to the board that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education ~~Exception~~ Waiver – Verification of Disability or Medical Condition," Form No. 37A-636 (~~New 03/10~~ Revised [date to be determined by OAL upon approval of regulations]).

How to Request ~~Exception~~ a Waiver

To request a~~n exception~~ waiver due to your own disability or medical condition, or an immediate family member's disability or medical condition (for whom you are the primary caregiver), have the attending physician or psychologist complete ~~the~~ this form ~~on the reverse side~~ and submit it to the board, along with ~~sufficient proof~~ the "Request for Continuing Education Waiver," Form No. 37A-635 (Revised [date to be determined by OAL upon approval of regulations]). ~~The board will accept documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above**. After the board's review, you will be notified whether your request was granted.~~

~~Exceptions Cannot be Granted Before the Fact~~

~~The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2011, and you are going to live out of the country from May 2010 through November 2011, you can submit your request for exception due to living out of the country any time after May 2011.*~~

~~Renewal Application~~

~~Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***~~

If you have any questions, please contact the Board's CE program at (916) 574-7830.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members **Date:** August 5, 2016

From: Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

Subject: **Review of Board-Sponsored and Monitored Legislation**

BOARD-SPONSORED LEGISLATION

The Board is sponsoring the following legislative proposals:

1. **AB 1917 (Obernolte): Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants**

   This bill modifies the education required to become an LPCC or an LMFT as follows:

   1. It amends the coursework and practicum required of LPCC applicants in order to ensure that the degree was designed to qualify the applicant to practice professional clinical counseling.

   2. It amends the law to define education gained out-of-state based on the location of the school, instead of based on the residence of the applicant.

   Status: This bill was signed by the Governor. (Chapter 70, Statutes of 2016)

2. **SB 1478 (Senate Business, Professions, and Economic Development Committee): Healing Arts (Omnibus Bill)**

   This bill proposal makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

   The proposal to change the marriage and family therapist and professional clinical counselor "intern" title to "associate," approved by the Board at its November 20, 2015 meeting, is also included in this bill.

Status: This bill is on third reading in the Assembly. Staff expects additional amendments requested by the Board, as well as double-joining language to resolve conflicts with AB 1917, will be made before the end of the legislative session.

BOARD-SUPPORTED LEGISLATION

1. **AB 1001 (Maienschein): Child Abuse: Reporting: Foster Family Agencies**

   This bill seeks to address a report that social workers who work for foster family agencies are sometimes prohibited by their supervisors from making mandated reports of child abuse. Foster family agencies are licensed by the Department of Social Services. The amendments in this bill give the Department of Social Services more authority to ensure that foster family agencies follow mandated reporting requirements.

   At its May 13, 2016 meeting, the Board took a "support" position on this bill.

   Status: This bill is on third reading in the Senate.

2. **AB 1808 (Wood): Minors: Mental Health Services**

   This bill includes marriage and family therapist trainees and clinical counselor trainees in the list of professional persons who may perform mental health treatment or residential shelter services with a consenting minor 12 years of age or older under certain defined circumstances.

   At its May 13, 2016 meeting, the Board took a "support" position on this bill.

   This bill was amended on June 2, 2016, to require a trainee to notify his or her supervisor within 24 hours of treating such a minor. If the trainee believes the minor is a danger to self or others, the trainee must notify the supervisor immediately after the counseling session.

   Status: This bill is on third reading in the Senate.

3. **AB 1863 (Wood): Medi-Cal: Federally Qualified Health Centers: Rural Health Centers**

   This bill would allow Medi-Cal reimbursement for covered mental health services provided by a marriage and family therapist employed by a federally qualified health center or a rural health clinic.

   At its May 13, 2016 meeting, the Board took a "support" position on this bill, and asked that LPCCs be included as well.

   Status: This bill is currently on suspense in the Senate Appropriations Committee.

4. **AB 2083 (Chu): Interagency Child Death Review**

   This bill would, at the discretion of the provider, allow medical and mental health information to be disclosed to an interagency child death review team.

At its May 13, 2016 meeting, the Board took a “support” position on this bill.

Status: This bill is on third reading in the Senate.

5. **AB 2191 (Salas): Board of Behavioral Sciences**

This bill would extend the Board’s sunset date until January 1, 2021.

At its May 13, 2016 meeting, the Board took a “support” position on this bill.

Status: This bill is currently on suspense in the Senate Appropriations Committee.

6. **AB 2199 (Campos): Sexual Offenses Against Minors: Persons in a Position of Authority**

This bill would subject persons who engage in specified acts of a sexual nature with a minor to additional jail terms if they held a position of authority over the minor. Persons in a position of authority include the minor’s counselor or therapist.

At its May 13, 2016 meeting, the Board took a “support” position on this bill.

Status: This bill is currently on suspense in the Senate Appropriations Committee.

7. **AB 2507 (Gordon): Telehealth: Access**

This bill would require a health care service plan or health insurer to cover patient services provided via telehealth to the same extent as services provided in-person.

At its May 13, 2016 meeting, the Board took a “support” position on this bill.

Status: This bill is dead.

8. **SB 1034 (Mitchell): Health Care Coverage: Autism**

This bill would delete the sunset date on the law that requires health care service plans or insurance policies to provide coverage for behavioral health treatment for pervasive development disorder or autism. It would also make some relatively minor adjustments to this law in areas that have been identified as needing further clarification.

At its May 13, 2016 meeting, the Board took a “support” position on this bill.

This bill has been amended since the last Board meeting. Instead of deleting the sunset date, it now sets it at January 1, 2022, and other technical changes were made to the proposed language.

Status: This bill is in the Assembly Appropriations Committee.

THE BOARD IS MONITORING THE FOLLOWING LEGISLATION:

1. **AB 796 (Nazarian): Health Care Coverage: Autism and Pervasive Developmental Disorders**

   This bill seeks ensure that individuals with pervasive development disorder or autism are able to receive insurance coverage for types of evidence-based behavioral health treatment other than applied behavior analysis. To accomplish this, it directs the Board of Psychology to form a committee to develop a list of acceptable behavioral health evidence-based treatment modalities.

   At its May 13, 2016 meeting, the Board decided to take a "neutral" position on this bill. Since the Board meeting, AB 796 has been amended. Instead of directing the Board of Psychology to form a committee, it now directs the Department of Developmental Services, with stakeholder input, to update the regulations to set standards of education, training, and experience for autism service professionals who practice behavioral health treatment other than applied behavioral analysis.

   Status: This bill is in the Senate Appropriations Committee.

2. **AB 1084 (Bonilla): Social Workers: Examination**

   This was a spot bill which contained a provision that is already included in the omnibus bill.

   The Board did not take a position on this bill.

   Status: This bill was amended to address a topic unrelated to the Board.

3. **AB 1715 (Holden): Healing Arts: Behavior Analysis: Licensing**

   This bill establishes licensure for behavior analysts and assistant behavior analysts under the Board of Psychology. In addition, it would require behavior analyst interns and behavior analyst technicians to register with the Board of Psychology.

   The Board decided not to take a position on this bill, but directed staff to provide technical assistance to the author regarding specified issues of concern.

   Status: This bill is dead.

4. **AB 2606 (Grove): Crimes Against Children, Elders, Dependent Adults, and Persons with Disabilities**

   This bill would require a law enforcement agency to inform a state licensing agency if it receives or makes a report that one of the licensing agencies' licensees has allegedly committed certain specified crimes.

   At its May 13, 2016 meeting, the Board decided to remain neutral on this bill, and directed staff to contact the author's office to request technical changes.

Status: This bill is dead.

5. **AB 2649 (Jones): Marriage and Family Therapist Intern and Professional Clinical Counselor Intern: Renaming**

   This Board is seeking these amendments in the omnibus bill.

   The Board did not take a position on this bill.

   Status: This bill is dead.

6. **SB 614 (Leno): Medi-Cal: Mental Health Services: Peer, Parent, Transition-Age, and Family Support Specialist Certification**

   This bill requires the State Department of Health Care Services to develop a peer, parent, transition-age, and family support specialist certification program.

   At its May 13, 2016 meeting, the Board took a "support if amended" position on this bill, asking for clarifications regarding the scope of practice of these support specialists, and asking that LPCCs be included in the list of professionals allowed to supervise them.

   Status: This bill is currently on the Assembly inactive file.

7. **SB 1101 (Wieckowski): Alcohol and Drug Counselors: Regulation**

   This bill creates the Alcohol and Drug Counseling Professional Bureau under the Department of Consumer Affairs for the purpose of licensing alcohol and drug counselors.

   At its May 13, 2016 meeting, the Board took a "support if amended" position on this bill, asking for clarifying amendments and language related to scope of practice.

   Status: This bill is dead.

8. **SB 1155 (Morrell): Professions and Vocations: Licensees: Military Service**

   This bill would require licensing board within the Department of Consumer Affairs to grant fee waivers for the application for and issuance of a license to persons who are honorably discharged veterans.

   The Board did not take a position on this bill.

   Status: This bill is in the Assembly Appropriations Committee.

9. **SB 1195 (Hill): Professions and Vocations: Board Actions: Competitive Impact**

   This bill seeks to ensure that boards under the Department of Consumer Affairs are in compliance with the recent Supreme Court ruling, *North Carolina State Board of Dental Examiners v. Federal Trade Commission.* This ruling stated that state licensing boards consisting of market participants in the industry regulated by the board can be held liable for violations of antitrust law unless their anti-competitive decision meets two

requirements. The anti-competitive action or decision must be based on a clearly articulated and affirmatively expressed state policy; and the board decision must be actively supervised by the state.

At its May 13, 2016 meeting, the Board took a "support if amended" position on this bill, and asked that the definition of "competitive impact" be revised.

Status: This bill has died; however, DCA has indicated that a revised version of this bill may be introduced prior to the end of this years' legislative session.

10. SB 1334 (Stone): Health Practitioners: Reports

This bill would require a health care practitioner providing medical services to a patient to make a mandated report if the patient informs him or her that they are seeking treatment due to being the victim of assaultive or abusive conduct.

At its May 13, 2016 meeting, the Board took an "oppose unless amended" position, and asked that the Board's licensees be excluded from the provisions of the bill.

Status: This bill is dead.

Updated: August 3, 2016

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **Legislative Update: North Carolina State Board of Dental Examiners vs. Federal Trade Commission Supreme Court Decision**

Information regarding proposed legislation in response to *North Carolina State Board of Dental Examiners vs. Federal Trade Commission Supreme Court Decision* will be provided under a separate cover.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members **Date:** August 2, 2016

From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817

Subject: Status of Rulemaking Proposals

APPROVED REGULATIONS

Standards of Practice for Telehealth: Add Title 16, CCR Section 1815.5

This proposal addresses the use of telehealth in the provision of psychotherapy, and clarifies questions, such as when a California license is needed, actions a licensee must take in order to protect the client in a telehealth setting, and that failure to follow telehealth requirements is considered unprofessional conduct.

These regulations took effect July 1, 2016.

CURRENT REGULATORY PROPOSALS

English as a Second Language: Additional Examination Time: Add Title 16, CCR Section 1805.2

This proposal would allow the Board to grant time-and-a-half (1.5x) on a Board-administered examination to an English as a second language (ESL) applicant, if the applicant meets specific criteria demonstrating limited English proficiency.

The final proposal was approved by the Board at its meeting in November 2015. It was published in the California Regulatory Notice Register on January 1, 2016. The 45-day public comment period has ended, and the public hearing was held on February 15, 2016. This proposal is currently under review by the Department of Consumer Affairs.

Blank Page

Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

Memo

To: Board Members

Date: August 1, 2016

From: Kim Madsen
Executive Officer

Telephone: (916) 574-7841

Subject: **2017 Meeting Dates**

Policy and Advocacy Committee

February 3, 2017 – Sacramento, CA
April 21, 2017 – Sacramento, CA
June 3, 2017 – Sacramento, CA
September 15, 2017 – Sacramento, CA

Board Meetings*

March 1-3, 2017
May 10-12, 2017
August 23-25, 2017
November 1-3, 2017

* Locations will be determined at a later date. Depending on the number of petitioners and disciplinary matters to be discussed, the first day of the Board may be canceled.

Blank Page