Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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www.bbs.ca.gov

Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

POLICY AND ADVOCACY COMMITTEE
Meeting Notice and Agenda

August 2, 2019
9:00 a.m.

Department of Consumer Affairs
Lou Galiano Hearing Room
1625 North Market Blvd., #S-102
Sacramento, CA 95834

While the Board intends to webcast this meeting, it may not be possible to webcast the entire 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.

I. Call to Order, Establishment of Quorum, and Introductions*

II. Approval of April 5, 2019 Committee Meeting Minutes

III. Discussion and Possible Recommendation Regarding Practice Setting Definitions, Subsequent Registration Numbers, and Exam Limits. Proposed Amendments to Business and Professions Code Sections 4980.01, 4980.399, 4980.42, 4980.43, 4980.43.2, 4980.43.3, 4980.43.4, 4980.46, 4980.50, 4980.54, 4980.01, 4992.09, 4992.1, 4992.10, 4996.13, 4996.14, 4996.15, 4996.22, 4996.23, 4996.23.1, 4996.23.2, 4996.23.3, 4996.28, 4999.22, 4999.36, 4999.46, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, 4999.52, 4999.55, 4999.72, 4999.76, 4999.100: Add Business and Professions Code Sections 4980.05, 4980.06, 4996.141, 4996.142, 4999.25, 4999.26: Amend and Renumber BPC Sections 4984.74 (4980.51), 4996.4 (4992.11), 4999.24 (4999.27), 4999.64 (4999.54)

IV. Discussion and Possible Recommendations Regarding Proposal to Increase Board Fees. Proposed amendments to Business and Professions Code Sections 4980.54, 4984.7, 4989.34, 4989.36, 4989.40, 4989.68, 4996.3, 4996.22, 4999.76, 4999.104, 4999.120, 4999.122. Proposed Amendments to Title 16, California Code of Regulations Sections 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7

V. Discussion and Possible Action Regarding Continuing Education Requirements: Title 16, California Code of Regulations: Add Section 1810.5; Amend Sections 1807, 1807.2, 1810, 1887, 1887.1, 1887.2, 1887.3, 1887.4.0, 1887.4.1 and 1887.4.3; Repeal Sections 1810.1, 1810.2, 1887.4, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11 and 1887.15

VI. Update on Board-Sponsored and Board-Considered Legislation

a. Assembly Bill 630 (Low) Board of Behavioral Sciences: Marriage and Family Therapists: Clinical Social Workers: Educational Psychologists: Professional Clinical Counselors: Required Notice

b. Senate Bill 679 (Bates) Healing Arts: Therapists and Counselors: Licensing

c. Senate Bill 786 (Committee on Business, Professions, and Economic Development) Healing Arts

d. Assembly Bill 8 (Chu) Public Health: Mental Health Professionals

e. Assembly Bill 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees

f. Assembly Bill 613 (Low) Professions and Vocations: Regulatory Fees

g. Assembly Bill 769 (Smith) Federally Qualified Health Centers and Rural Health Clinics: Licensed Professional Counselors

h. Assembly Bill 1145 (Garcia) Child Abuse: Reportable Conduct

i. Assembly Bill 1540 (Holden) Certification Board for Music Therapists

j. Assembly Bill 1651 (Medina) LEPs: Supervision of Associates and Trainees

k. Senate Bill 10 (Beall) Mental Health Services: Peer, Parent, Transition Age, and Family Support Specialist Certification

l. Senate Bill 163 (Portantino) Healthcare Coverage: Pervasive Developmental Disorder or Autism

m. Senate Bill 425 (Hill) Health Care Practitioners: Licensee's File

n. Senate Bill 601 (Morrell) State Agencies: Licenses: Fee Waiver

o. Senate Bill 660 (Pan) Postsecondary Education: Mental Health Counselors

VII. Update on Board Rulemaking Proposals

VIII. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Gov. Code §§ 11125, 1125.7(a)]

IX. Suggestions for Future Agenda Items

X. 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.

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Memo

To: Policy and Advocacy Committee Members **Date:** July 26, 2019

From: Christina Kitamura, Administrative Analyst **Telephone:** (916) 574-7817

Subject: **Agenda Item II**

Item II (Approval of April 5, 2019 Committee Meeting Minutes) will be provided under a separate cover and will also be available at the Policy and Advocacy Committee Meeting.

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Memo

To: Policy & Advocacy Committee Members **Date:** July 15, 2019

From: Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

Subject: **Discussion and Possible Recommendations Regarding Practice Setting Definitions, Subsequent Registration Numbers, and Exam Limits**

The Exempt Setting Committee (Committee) was formed by the Board for two purposes:

a. To examine mental health services provided in exempt settings to determine if consumers are receiving services consistent with the standard of care for the mental health professions; and

b. To examine different types of practice settings that offer mental health services to determine if setting definitions need to be refined.

The Committee has completed its first objective and the Board is now running legislation (AB 630, Arambula and Low) to accomplish those recommendations.

Clarifying practice setting definitions was the second objective of the Exempt Setting Committee. This, along related topics, was discussed at its June 7, 2019 meeting.

1. Clarifying Practice Setting Definitions
2. Extending Registration Numbers to 8 Years (with Coursework Required for a Subsequent Number) and Allowing Private Practice with a Subsequent Number.
3. Requiring Continuing Education For Registrants
4. Limiting Clinical Exam Attempts

Proposed language can be found in **Attachment A** (for LMFTs), **Attachment B** (for LPCCs**)**, **and Attachment C** (for LCSWs).

1. <u>Clarifying Practice Setting Definitions.</u>

The proposal provides specific definitions of the various types of practice settings that licensees and applicants for licensure may be working in:

- It classifies all settings into two main types: exempt settings and non-exempt settings. The definition of exempt settings remains the same. Non-exempt settings are all settings that do not qualify as exempt settings.

- It carves out definitions of two specific types of non-exempt settings: private practices and professional corporations. These definitions are used to place certain limitations on these specific types of settings.

- It reiterates that an individual working in an exempt setting who holds a Board-issued license or registration is under the jurisdiction of the Board.

- It reiterates that an active license or registration number is required to provide psychotherapeutic services in any non-exempt setting, with two exceptions:

    - Specifies that a trainee may provide services in a non-exempt setting as long as it is not a private practice or a professional corporation, and the trainee is under the jurisdiction and supervision of their school.

    - Specifies that an applicant for associate registration following the 90-day rule may provide services in a non-exempt setting as long as it is not a private practice or a professional corporation, if they are in compliance with the laws pertaining to the 90-day rule.

- It specifies that an entity that is licensed or certified by a government agency is not considered a private practice setting.

- It limits supervisors in a private practice or professional corporation to **six** individual or triadic supervisees at a time. (Previously, the limit was three associates per supervisor in a private practice or a corporation.)

- It permits contracted supervisors in a private practice or professional corporation. A supervisor must provide psychotherapeutic services to clients at the same site as the associate.

- It prohibits any licensee who owns a business utilizing a fictitious business name from using a false, misleading, or deceptive business name. (Previously, this was only specifically prohibited for a private practice.)

Items for Discussion Related to Practice Setting Definitions

The following should be discussed when considering the proposed language related to practice setting definitions:

a. Definition of Exempt Settings (BPC §4980.01(c)): Currently, §4980.01(c) specifies that certain settings are exempt settings if the employee or volunteer working there is supervised solely by the entity where he or she is working.

However, staff believes the provision of supervision being solely performed by the entity is outdated. In many cases, exempt settings do not have the internal resources to provide supervision, and other portions of the law permit 3rd party supervision if a written supervision agreement outlining each parties' responsibilities is in place. During its discussion on June 7th, the Exempt Setting Committee recommended revising the language to state that a setting is exempt if the employee or volunteer's work "is performed under the oversight and direction" of one of the specified exempt entities.

b. **Entities Licensed or Certified by a Government Entity (BPC §§4980.05(b), 4980.06(a)(4)):** When defining a private practice, the Committee wanted to specify that an entity licensed or certified by a government entity should not be considered a private practice setting. This is because the Committee believes that such a certification or license provides a level of oversight that distinguishes the setting from a private practice.

   However, staff believes that the language originally proposed could be too vague. For example, could it be interpreted to mean any entity holding a city-issued business license is not a private practice? Staff recommends alternative language be considered.

c. **Allowing Contract Supervisors in Private Practice (BPC §4980.43.4(b)(1)):** Current law requires supervisors in a private practice to practice at the same site as their supervisees or be an owner of a private practice. If a professional corporation, the supervisor must be employed full time for the corporation and be "actively engaged in providing professional services" there.

   This requirement leads to significant confusion about what is acceptable, especially for corporations. For example, can a supervisor supervise at multiple sites for a large corporation? What exactly does "actively engaged in providing professional services" at the site mean?

   In an effort to clear up this confusion, the Committee discussed re-wording this section. Part of the discussion included deciding to allow contract supervisors in a private practice or professional corporation. The reasoning for this is that the upcoming supervision regulations will hold supervisors to a higher standard.

   Potential unintended consequences of this should be discussed. Could a small private practice having too many contract supervisors lead to a situation where associates are being exploited? One possible solution may be to allow contract supervision, but only allow a certain percentage of an entity's total number of supervisors be contractors. In addition, the Committee should discuss whether requiring supervisors to provide psychotherapeutic services at the same site provides sufficient clarity.

d. **Limit of Six Supervisees Per Supervisor in Private Practice/Professional Corporation (BPC §4980.43.4(c)):** Current law permits a supervisor in a private practice or professional corporation to have no more than 3 supervisees. At the Exempt Setting Committee, it was suggested that it may be appropriate to increase this limit to 6 supervisees per supervisor in these settings.

   The Committee may wish to discuss whether this is an appropriate workload for supervisors. Does allowing this, in conjunction with allowing contracted supervisors in private practices and professional corporations, make it more likely that supervisees could be exploited? If so, how might this be mitigated?

e. **Supervisee Limit: Should it Apply in Private Practice/Professional Corporations Only, or in all Non-Exempt Settings?:** As written, current law and the current proposal both limit the number of supervisees per supervisor in private practices and professional corporations only. This means that in other non-exempt settings, there is no limit on the number of supervisees per supervisor. The Committee should discuss whether this is its intent.

2. **Extending Registration Numbers to 8 Years (with Coursework Required for a Subsequent Number) and Allowing Private Practice with a Subsequent Number.**

The allowable length of a registration number is tied-in with the definitions of private practice and professional corporation, because an associate is currently not permitted to work in these types of settings with a subsequent registration number. This has been the subject of much confusion and debate in the past because the current definition of private practice is vague. The newly proposed definitions discussed above should help with this issue. However, part of the debate also centers on the difficulty associates can have finding work with a subsequent number, since they are not permitted to work in a private practice.

Currently, an associate registration can be held for a total of six years. After six years, the registrant must obtain a subsequent registration number, with work in a private practice or professional corporation prohibited.

The Policy and Advocacy Committee last discussed the six-year rule at its meeting in February 2018, when it opted to wait for further data about average time to gain experience hours once the bills to eliminate the “bucket” categories of experience, allow triadic supervision, and decrease required LCSW experience hours had time to phase in. At the time, staff reported that approximately 12.6% of AMFTs and 10.5% of ASWs were on a subsequent registration number, and that it was taking the average LMFT applicant and LCSW applicant 3.3 years and 3.7 years, respectively, to gain the required experience hours.

At the June Exempt Setting Committee, staff recommended a solution that would extend the length of a registration number and eliminate the private practice prohibition on a subsequent number. In order to maintain the incentive to obtain licensure and ensure continued proficiency, it would require that those needing a subsequent registration take additional graduate level coursework. Highlights are as follows:

- The length of a registration number would increase from 6 years to 8 years. It still must be renewed every year.

- The allowable age of experience hours would also be increased from 6 years to 8 years to correspond with the increased length of the registration number.

- If an applicant needs a subsequent registration number, he or she must do both of the following:

    - Have a passing score on the California law and ethics examination, obtained within the past 2 years; and

    - Demonstrate successful completion of 15 semester units of graduate level coursework within the past two years. Some of this graduate level coursework must cover specified topic areas.

- The private practice prohibition on a subsequent registration number would be removed.

Items for Discussion Related to 8-Year Registration Numbers

There was significant discussion about this topic at the Exempt Setting Committee. Some suggestions included allowing the eight-year registration, and then putting a "hard-stop" at the end. Other suggestions included an eight-year registration with a possible 2-year extension and requiring registrants to complete continuing education after a certain number of years had passed (continuing education is discussed as a separate item below).

Although the hard stop after 8 years is a potentially attractive alternative to requiring 15 graduate semester units to continue, after some consideration staff has serious concerns about its viability. A "hard stop" essentially means that if a person reached 8 years and still wished to apply for licensure, they would have to have a degree that met all current requirements.

Having a degree that meets current requirements means different things across the different license types. LCSW law does not state specific course content or required number of units that must be in a degree; the degree simply has to be accredited by the Council on Social Work Education. This means that all social work applicants who have an accredited degree, whether new or old, would easily "meet current requirements" to get back in the application process (they may simply have to take

some CE coursework if any was recently added, for example suicide assessment coursework).

However, “meeting current requirements” does not mean the same thing for LMFT and LPCC applicants. These license types have 60 unit degrees required by law. (The law used to require 48 units). LPCC law now requires 13 core content areas (it used to be 9). For these applicants with older degrees, meeting current requirements means obtaining an entirely new master’s degree.

This result does not seem fair for LMFT and LPCC applicants, and for LCSW applicants, it does not seem to provide adequate public protection because substantial current coursework is not required. For these reasons, staff believes the requirement of 15 semester units provides the best balance of fairness across license types and public protection. It does not require anyone to get a new degree. It does allow require anyone to get a new number with minimal additional coursework. It does require a significant refresh of current coursework related to the profession, and it acts as an incentive for the applicant to finish gaining his or her hours in eight years. If they are unable to do this and are willing to take the necessary coursework to get a new number, they may still work in a private practice.

The Committee may wish to discuss this proposal further. It is drafted in Section 4984.01(d). If the Committee wishes to proceed with the proposal as written, it should also discuss topics that should be required as part of the 15 units of coursework.

3. Requiring Continuing Education for Registrants

When the Exempt Setting Committee discussed extending registration numbers from 6 years to 8 years, one concern was that registrants should be required to do some type of continuing education (CE).

Various possibilities were discussed, including requiring 18 hours of CE every year after 4 years, or requiring 6 hours of CE every other year.

However, logistically these proposals would be difficult to implement. Registrations are renewed yearly. Staff would need to track the age of each registration and remind each registrant well in advance, so they could complete the necessary CE. Registrants are often unaware of how many years they have been registered, and therefore may find themselves suddenly unable to renew because they hadn’t completed the necessary CE.

For this reason, staff drafted a different suggestion that was proposed at Exempt Setting Committee:

- Registrants must take a 3-hour law and ethics course each year to renew their registration.

- In return, the requirement that a registrant take a 12-hour law and ethics course each year that they fail the law and ethics exam in order to renew their registration is removed.
- All registrants must have a recent passing score on the California law and ethics exam (along with completing the required 15 units of coursework) in order to obtain a subsequent registration number after 8 years.

Items for Discussion Related to Continuing Education for Registrants
The Committee should discuss the implications of this proposal.

4. Limiting Clinical Exam Attempts

This portion of the proposal was not discussed at the Exempt Setting Committee, but ties in closely with the other changes being proposed. It would address a longstanding issue of applicants remaining in the exam cycle indefinitely, while their education and gained experience hours age. Currently, several other DCA boards have limits on clinical exam attempts. They include Pharmacy Board (four attempts and then 16 semester units required) and Dental Board (3 attempts and then 50 hours of education completed). In addition, Texas has a similar limitation for its LPCs (3 attempts and then 9 graduate semester units).

Therefore, the draft language proposes the following:

- The clinical exam may be attempted 4 times.
- If not passed after 4 attempts, the applicant must pass the current law and ethics exam and complete 12 graduate semester units of coursework.

This would require applicants in the exam long-term to current with both law and ethics and also with other changes in the profession, in order to keep their accrued experience hours.

Items for Discussion Related to Limiting Clinical Exam Attempts
The Committee may wish to discuss the implications of this proposal.

Differences in LPCC, LCSW Proposed Language

The following proposed amendments are specific to LPCC statute (**Attachment B**) or LCSW statute (**Attachment C**) and should be considered separately:

- LPCC section 4999.24 (proposed to be renumbered to 4999.27): This section discusses the training of graduate students as trainees under school supervision. The section discusses that trainees may work in an exempt setting, or in a "recognized training program."

  The Board does not recognize training programs for graduate students. The Board is proposing to delete similar language from clinical social work statute this

year via AB 630, because it could potentially imply that a trainee could work in a private practice if they are in a "recognized" program. Staff recommends the language be deleted in LPCC law as well.

- LCSW section 4996.22(d)(2): Because this section is already being amended, staff proposes correcting an issue in this section. Currently, the law states that social workers can only obtain continuing education from an accredited school if it the school is accredited by the Commission on Accreditation of the Council of Social Work Education. It does not permit social workers to gain continuing education from a school accredited by the US Department of Education (USDE) or approved by the Bureau for Private Postsecondary Education (BPPE).

  Staff believes this is unintentional and that social workers should be able to gain continuing education from a school accredited by USDE or approved by BPPE, just as LMFTs and LPCCs can.

Recommendation

Conduct an open discussion about the proposed language. Direct staff to make any discussed changes and any non-substantive changes. Discuss whether to bring back to Policy and Advocacy Committee, or to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language: LMFT
Attachment B: Proposed Language: LPCC
Attachment C: Proposed Language: LCSW
Attachment D: Exam Plans - Topic Areas Covered *(For use when discussing coursework requirements for a subsequent registration number or after 4 clinical exam attempts.)*

ATTACHMENT A
PROPOSED LANGUAGE: LMFT

AMEND §4980.01. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES

(a) This chapter shall not be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Act.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his or her professional practice.

(c) (1) This chapter shall not apply to an employee or volunteer working in any of the following settings ~~if his or her work is performed solely under the supervision of the employer~~ if his or her work is performed under the oversight and direction of one of the following:

(A) A governmental entity.

(B) A school, college, or university.

(C) An institution that is both nonprofit and charitable.

~~(2) This chapter shall not apply to a volunteer working in any of the settings described in paragraph (1).~~ ~~if his or her work is performed solely under the supervision of the entity, school, or institution.~~

(d) A marriage and family therapist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care provider subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

(e) Notwithstanding subdivisions (b) and (c), all persons registered as associates or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

ADD §4980.05 EXEMPT SETTINGS

The settings described in section 4980.01 are exempt settings and do not fall under the jurisdiction of this chapter or the Board except as specified in section 4980.01, and with the following exceptions:

(a) Any individual working or volunteering in an exempt setting who is licensed or registered under this chapter shall fall under the jurisdiction of the Board and is not exempt from this chapter.

(b) An entity that is licensed or certified by a government agency to provide psychotherapeutic services (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered an exempt setting unless it directly meets the criteria described in section 4980.01.

ADD §4980.06 OTHER TYPES OF PRACTICE SETTINGS

(a) For the purposes of this chapter, the following definitions apply:

1. A "non-exempt setting" is any type of setting that does not qualify as an exempt setting, as specified in section 4980.01.

2. A "private practice" is a type of non-exempt setting that meets the following criteria:

   (A) The practice is owned by a health professional who is licensed under Division 2 of the Code, either independently or jointly with one or more other health professionals who are licensed under Division 2 of the Code;

   (B) The practice provides clinical mental health services, including psychotherapy, to clients; and

   (C) One or more licensed health professionals are responsible for the practice and for the services provided and set conditions of client payment or reimbursement for the provision of services.

3. A "professional corporation" is a type of non-exempt setting and private practice that has been formed pursuant to Part 4 of Division 3 of Title 1 of the Corporations Code (commencing with section 13400).

4. An entity that is licensed or certified by a government agency (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered a private practice setting.

(b) An active license or registration number shall be required to engage in the practice of marriage and family therapy as defined in section 4980.02, in non-exempt settings at all times with the following exceptions:

1. A trainee may engage in the practice of marriage and family therapy in a non-exempt setting that is not a private practice or a professional corporation while they are gaining supervised experience that meets the requirements of

this chapter under the jurisdiction and supervision of their school as specified in section 4980.42.

2. An applicant for registration as an associate may engage in the practice of marriage and family therapy in a non-exempt setting that is not a private practice or a professional corporation before the registration number is issued if they are in compliance with subdivision (b) of section 4980.43 and are gaining supervised experience that meets the requirements of this chapter.

AMEND §4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application. ~~except as provided in subdivision (d).~~

~~(d) If a registrant fails to obtain a passing score on the California law and ethics examination within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state or governmental entity, or a college or university.~~

(e) The board shall not issue a subsequent registration number unless the applicant has ~~passed the California law and ethics examination.~~met the requirements specified in section 4984.01.

§4980.42. TRAINEES' SERVICES

(a) Trainees performing services in any work setting specified in Section 4980.43.3 may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(b) Trainees subject to Section 4980.37 may gain hours of experience and counsel clients outside of the required practicum. This subdivision shall apply to hours of experience gained and client counseling provided on and after January 1, 2012.

(c) Trainees subject to Section 4980.36 may gain hours of experience outside of the required practicum but must be enrolled in a practicum course to counsel clients. Trainees subject to Section 4980.36 may counsel clients while not enrolled in a practicum course if the period of lapsed enrollment is less than 90 calendar days, and if that period is immediately preceded by enrollment in a practicum course and immediately followed by enrollment in a practicum course or completion of the degree program.

(d) All hours of experience gained pursuant to subdivisions (b) and (c) shall be subject to the other requirements of this chapter.

(e) All hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

AMEND §4980.43. SUPERVISED EXPERIENCE: ASSOCIATES OR TRAINEES

(a) Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(b) (1) ~~Preregistered postdegree hours~~ Post-degree hours of experience gained prior to issuance of an associate registration shall be credited toward licensure if all of the following apply:

(A) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.

(B) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.

(C) The board subsequently grants the associate registration.

(2) The applicant shall not be employed or volunteer in a private practice or a professional corporation until he or she has been issued an associate registration by the board.

(c) Supervised experience that is obtained for purposes of qualifying for licensure shall be related to the practice of marriage and family therapy and comply with the following:

(1) A minimum of 3,000 hours completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.

(3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.

(4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

(6) Hours of experience shall not be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.

(7) Hours of experience shall not have been gained more than ~~six~~eight years prior to the date the application for licensure was received by the board, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this ~~six~~eight-year requirement.

(8) A minimum of 1,750 hours of direct clinical counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(9) A maximum of 1,250 hours of nonclinical practice, consisting 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 directly related to marriage and family therapy that have been approved by the applicant's supervisor.

(10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

(d) An individual who submits an application for licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

AMEND §4980.43.2. DIRECT SUPERVISOR CONTACT

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (9) of subdivision (a) of Section 4980.43, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.

(~~d~~e) Notwithstanding subdivision (b), ~~an associate~~ a supervisee working in ~~a governmental entity, school, college, university, or an institution that is nonprofit and charitable~~ an exempt setting described in section 4980.01 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(~~e~~f) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (9) of subdivision (a) of Section 4980.43, shall be at the supervisor's discretion.

AMEND §4980.43.3. SUPERVISED EXPERIENCE: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) A trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) (1) A trainee shall not perform services in a private practice or a professional corporation. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice or a professional corporation.

(B) Lawfully and regularly provides mental health counseling or psychotherapy.

(C) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(2) Only experience gained in the position for which the trainee volunteers or is employed shall qualify as supervised experience.

(c) An associate may be credited with supervised experience completed in any setting that meets ~~both~~all of the following:

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(3) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice or a professional corporation until he or she has been issued an associate registration by the board.

(d) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(e) A trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(f) A trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(g) A trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting ~~other than a private practice or a professional corporation~~ and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who ~~receives~~received reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payment received was for reimbursement of expenses actually incurred.

(h) A trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payment received was for the specified purposes.

(i) An associate or a trainee may provide services via telehealth that are in the scope of practice outlined in this chapter.

(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

AMEND §4980.43.4. SUPERVISEES: LOCATION OF SERVICES; MAXIMUM NUMBER OF SUPERVISEES; OVERSIGHT AGREEMENT

(a) A trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer ~~regularly conducts business and services~~ permits business to be conducted.

(b) An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who: ~~is employed or contracted by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated a professional corporation, the supervisor must be employed for at least 20 hours per week full-time at the site by the professional corporation and be actively engaged in performing professional services at the same site as the supervisee site.~~

(1) Is employed by or contracted by the associate's employer, or is an owner of the private practice or professional corporation, and

(2) Provides psychotherapeutic services to clients at the same site as the associate.

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. Supervisees may be registered as an~~

~~associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

(c) Supervisors of supervisees in a private practice or a professional corporation shall not serve as an individual or triadic supervisor for more than a total of six supervisees at any time. Supervisees may be registered as associate marriage and family therapists, associate professional clinical counselors, associate clinical social workers, or any combination of these.

~~(d) In a setting that is not a private practice:~~

~~(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(2) A supervisor shall evaluate the site or sites where a trainee or associate will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.~~

(d) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer. The supervisor shall evaluate the site or sites where the supervisee will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.

~~(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.~~

AMEND §4980.46. FICTITIOUS BUSINESS NAMES

Any licensed marriage and family therapist who ~~conducts a private practice~~ owns a business ~~under~~ utilizing a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

AMEND §4980.50. EXAMINATION; ISSUANCE OF LICENSE; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

~~(g) An applicant for licensure shall not be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.~~

(g) Notwithstanding section 135 and section 4980.51, an applicant may attempt the clinical examination four times. If the applicant fails to pass the clinical examination after four attempts, they shall not be eligible for further reexamination until they obtain a passing score on the current version of the California law and ethics examination, and they successfully complete twelve graduate semester units relevant to the practice of marriage and family therapy.

(i) The coursework shall be taken from a master's or doctoral degree program at an accredited or approved institution, as described in section 4980.36.

(ii) The coursework shall be required to be completed once every four unsuccessful attempts at the clinical examination.

(iii) The coursework shall have been completed within the previous 12 months of the date the applicant applies for reexamination.

(iv) The applicant shall furnish an official transcript showing completion of the coursework with the application for reexamination.

(v) The passing score on the California law and ethics examination shall have been obtained within the previous 12 months of the date the applicant applies for reexamination.

(iv) This section shall apply for exam attempts taken on or after July 1, 2021.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(i) An applicant for licensure who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board deems appropriate.

RENUMBER AND AMEND ~~§4984.72~~. §4980.51 FAILED CLINICAL EXAMINATION; REEXAMINATION; NEW APPLICATION REQUIREMENT

(a) ~~Effective January 1, 2016, an~~ An applicant who fails the clinical examination may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

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

AMEND §4980.54. CONTINUING EDUCATION

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) Except as provided in subdivision ~~(e)~~(f), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that ~~he or she has~~ they have completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(d) Except as provided in subdivision (f), effective January 1, 2022, the board shall not renew any registration pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that they have completed not less than 3 hours of approved continuing education in the subject of California law and ethics relevant to the field of marriage and family therapy in the preceding year, as determined by the board.

(~~d~~e) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(~~e~~f) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

(~~f~~g) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(~~g~~h) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision ~~(f)~~(g), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(~~h~~i) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(~~i~~j) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

~~(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.~~

(k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

AMEND §4984.01. ASSOCIATE REGISTRATION; DURATION; RENEWAL

(a) The associate marriage and family therapist registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Certify compliance with the continuing education requirements for registrants set forth in Section 4980.54.

~~(4)~~(5) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to ~~(4)~~(5), inclusive, of subdivision (b).

(d) ~~The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration number and has passed the California law and ethics examination. An applicant who is issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.~~ The registration may be renewed a maximum of seven times, and shall be renewed each year if the registrant will be practicing in a non-exempt setting, or accruing experience hours in an exempt setting. No registration shall be renewed or reinstated beyond eight years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number upon meeting both of the following requirements:

1. Obtaining a passing score on the California law and ethics examination. The passing score shall have been obtained within the last two years immediately preceding the application for the subsequent registration number.

2. Successful completion of at least 15 semester units of graduate level coursework from an accredited or approved institution, as defined in subdivision (b) of section 4980.36. The required units shall have been completed within the two years immediately preceding the application for the subsequent registration number. The 15 semester units of coursework must be relevant to the practice of marriage and family therapy, and must include all of the following:

    a. At least xxx units of coursework in cultural competency and cultural sensitivity;
    b. At least xxx units of coursework in multicultural development and cross-cultural interaction;
    c. At least xxx units of coursework in assessment, diagnosis, and treatment planning; and
    d. At least xxx units of coursework in California law and ethics for marriage and family therapists.
    e. At least xxx units of coursework in treatment planning and clinical interventions.

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ATTACHMENT B
PROPOSED LANGUAGE: LPCC

AMEND §4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES

(a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words "licensed professional clinical counselor" and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.

(c) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of his or her professional practice.

(d) This chapter shall not apply to an employee or volunteer working in any of the following settings if his or her work is performed under the oversight and direction of one of the following: ~~of a governmental entity or a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, college, university, or institution by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.~~

(1) A governmental entity.

(2) A school, college, or university.

(3) An institution that is both nonprofit and charitable.

(e) Notwithstanding subdivisions (c) and (d), all ~~All~~ persons registered as associates or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

ADD §4999.25 EXEMPT SETTINGS

The settings described in section 4999.22 are exempt settings and do not fall under the jurisdiction of this chapter or the board except as specified in section 4980.01, and with the following exceptions:

(a) Any individual working or volunteering in an exempt setting who is licensed or registered under this chapter shall fall under the jurisdiction of the board and is

not exempt from this chapter.

(b) An entity that is licensed or certified by a government agency to provide psychotherapeutic services (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered an exempt setting unless it directly meets the criteria described in section 4980.01.

ADD §4999.26 OTHER TYPES OF PRACTICE SETTINGS

(a) For the purposes of this chapter, the following definitions apply:

1. A "non-exempt setting" is any type of setting that does not qualify as an exempt setting, as specified in section 4999.22.

2. A "private practice" is a type of non-exempt setting that meets the following criteria:

   (A) The practice is owned by a health professional who is licensed under Division 2 of the Code, either independently or jointly with one or more other health professionals who are licensed under Division 2 of the Code;

   (B) The practice provides clinical mental health services, including psychotherapy, to clients; and

   (C) One or more licensed health professionals are responsible for the practice and for the services provided and set conditions of client payment or reimbursement for the provision of services.

3. A "professional corporation" is a type of non-exempt setting and private practice that has been formed pursuant to Part 4 of Division 3 of Title 1 of the Corporations Code (commencing with section 13400).

4. An entity that is licensed or certified by a government agency (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered a private practice setting.

(b) An active license or registration number shall be required to engage in the practice of professional clinical counseling as defined in section 4999.20, in non-exempt settings at all times with the following exceptions:

1. A trainee may engage in the practice of professional clinical counseling in a non-exempt setting that is not a private practice or a professional corporation while they are gaining supervised experience that meets the requirements of this chapter under the jurisdiction and supervision of their school as specified in section 4999.36.

2. An applicant for registration as an associate may engage in the practice of professional clinical counseling in a non-exempt setting that is not a private practice or a professional corporation before the registration number is issued if they are in compliance with subdivision (b) of section 4999.46 and are gaining supervised experience that meets the requirements of this chapter.

RENUMBER AND AMEND ~~§4999.24.~~4999.27 TRAINEE SERVICES

(a) Nothing in this chapter shall restrict or prevent activities of a psychotherapeutic or counseling nature on the part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions ~~engaged in the training of graduate students or clinical counselor trainees pursuing a course of study leading to~~ who train graduate students pursuing a degree that qualifies for professional clinical counselor licensure at an accredited or state-approved college or university, ~~or working in a recognized training program,~~ provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as "clinical counselor trainee" or other title clearly indicating the training status appropriate to the level of training.

(b) Notwithstanding subdivision (a), a graduate student shall not perform professional clinical counseling in a private practice or a professional corporation.

AMEND §4999.36. TRAINEE ACTIVITIES AND SERVICES; APPLICANT AND SCHOOL RESPONSIBILITIES

(a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."
(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.
(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.
(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.
(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of required postdegree supervised experience.

AMEND §4999.46. SUPERVISED POST-MASTER'S EXPERIENCE

(a) Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(b) (1) ~~Preregistered postdegree hours~~ Post-degree hours of experience gained prior to issuance of an associate registration shall be credited toward licensure if all of the following apply:

(A) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.

(B) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.

(C) The board subsequently grants the associate registration.

(2) The applicant shall not be employed or volunteer in a private practice or a professional corporation until he or she has been issued an associate registration by the board.

(c) Supervised experience that is obtained for the purposes of qualifying for licensure shall be related to the practice of professional clinical counseling and comply with the following:

(1) A minimum of 3,000 postdegree hours performed over a period of not less than two years (104 weeks).

(2) Not more than 40 hours in any seven consecutive days.

(3) Not less than 1,750 hours of direct clinical counseling with individuals, groups, couples, or families using a variety of psychotherapeutic techniques and recognized counseling interventions.

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 4999.12.

(5) A maximum of 1,250 hours of nonclinical practice, consisting 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 directly related to professional clinical counseling that have been approved by the applicant's supervisor.

(d) An individual who submits an application for licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

(e) Experience hours shall not have been gained more than ~~six~~ eight years prior to the date the application for licensure was received by the board.

AMEND §4999.46.1. RESPONSIBILITIES OF SUPERVISORS AND ASSOCIATES

(a) An associate or applicant for licensure shall be under the supervision of a supervisor at all times.

(b) As used in this chapter, the term “supervision” means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee’s assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee’s ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.

(5) Ensuring the supervisee’s compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) Reviewing the supervisee’s progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client’s written consent, providing direct observation or review of audio or video recordings of the supervisee’s counseling or therapy, as deemed appropriate by the supervisor.

~~(c) An associate shall do both of the following:~~

~~(1) Inform~~ (c) An associate shall inform each client, prior to performing any professional services, that he or she is unlicensed and under supervision.

~~(2) Renew the registration a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked.~~

~~(d) When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration number and has passed the California law and ethics examination. An applicant issued a subsequent associate registration number shall not be employed or volunteer in a private practice.~~

AMEND §4999.46.2. DIRECT SUPERVISOR CONTACT

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (5) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six

hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.

~~(d)~~(e) Notwithstanding subdivision (b), an associate working in ~~a governmental entity, school, college, university, or institution that is both nonprofit and charitable~~ an exempt setting described in section 4999.22 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

~~(e)~~(f) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (5) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.

AMEND §4999.46.3. SUPERVISED EXPERIENCE: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A clinical counselor trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor. While an associate may be

either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) A clinical counselor trainee shall not perform services in a private practice or a professional corporation.

(c) A trainee shall complete the required predegree supervised practicum or field study experience in a setting that meets all of the following requirements:

(1) Is not a private practice or a professional corporation.

(2) Lawfully and regularly provides mental health counseling or psychotherapy.

(3) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice of the profession, as defined in Section 4999.20.

(4) Only experience gained in the position for which the clinical counselor trainee volunteers or is employed shall qualify as supervised practicum or field study experience.

(d) (1) An associate may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4999.20.

(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(3) An applicant for registration as an associate shall not be employed or volunteer in a private practice or a professional corporation until he or she has been issued an associate registration by the board.

(e) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) A clinical counselor trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(g) A clinical counselor trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(h) A clinical counselor trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting ~~other than a private practice~~ and who

only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who ~~receives~~received reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(i) A clinical counselor trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments were for the specified purposes.

(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate that counseling or psychotherapy at a reasonable cost.

§4999.46.4. SUPERVISEES: LOCATION OF SERVICES; MAXIMUM NUMBER OF REGISTRANTS; OVERSIGHT AGREEMENT

(a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer ~~regularly conducts business and services.~~permits business to be conducted.

(b) An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who: ~~is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.~~

(1) Is employed by or contracted by the associate's employer, or is an owner of the private practice or professional corporation, and

(2) Provides psychotherapeutic services to clients at the same site as the associate.

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

(c) Supervisors of supervisees in a private practice or a professional corporation shall not serve as an individual or triadic supervisor for more than a total of six supervisees at any time. Supervisees may be registered as associate marriage and family therapists, associate professional clinical counselors, associate clinical social workers, or any combination of these.

~~(d) In a setting that is not a private practice:~~

~~(1) A written oversight agreement, as specified in regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(2) A supervisor shall evaluate the site or sites where an associate will be gaining experience to determine that the site or sites provide experience that is in compliance with the requirements set forth in this chapter.~~

(d) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer. The supervisor shall evaluate the site or sites where the supervisee will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.

~~(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.~~

§4999.52. EXAMINATION; BOARD DETERMINATION; EXAMINATION ADMISSION DENIAL

(a) Every applicant for a license as a professional clinical counselor shall take one or more examinations, as determined by the board, to ascertain his or her knowledge, professional skills, and judgment in the utilization of appropriate techniques and methods of professional clinical counseling.

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) The board shall not deny any applicant admission to an examination who has submitted a complete application for examination admission if the applicant meets the educational and experience requirements of this chapter and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(d) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the

applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

~~(i) If the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 is not passed within seven years of an applicant for licensure's initial attempt, the applicant shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.~~

(j) Notwithstanding section 135 and section 4999.54, an applicant may attempt the clinical examination four times. If the applicant fails to pass the clinical examination after four attempts, they shall not be eligible for further reexamination until they obtain a passing score on the current version of the California law and ethics examination, and they successfully complete twelve graduate semester units relevant to the practice of professional clinical counseling.

(i) The coursework shall be taken from a master's or doctoral degree program at an accredited or approved institution, as described in section 4980.36.

(ii) The coursework shall be required to be completed once every four unsuccessful attempts at the clinical examination.

(iii) The coursework shall have been completed within the previous 12 months of the date the applicant applies for reexamination.

(iv) The applicant shall furnish an official transcript showing completion of the coursework with the application for reexamination.

(v) The passing score on the California law and ethics examination shall have been obtained within the previous 12 months of the date the applicant applies for reexamination.

(iv) This section shall apply for exam attempts taken on or after July 1, 2021.

~~(j)~~(k) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

RENUMBER AND AMEND ~~§4999.64.~~§4999.54 REEXAMINATION

(a) ~~Effective January 1, 2016, an~~An applicant who fails the examination specified in paragraph (2) of subdivision (a) of Section 4999.53 may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

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

§4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
(b) A registrant shall take a board-administered California law and ethics examination prior to his or her registration renewal.
(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application~~, except as provided in subdivision (d)~~.
~~(d) If a registrant fails to obtain a passing score on the California law and ethics examination within his or her renewal period, he or she shall complete, at minimum, a 12-hour course in California law and ethics prior to retaking the board-administered California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state, or governmental entity, or a college or university.~~
(e) The board shall not issue a subsequent registration number unless the applicant has ~~passed the California law and ethics examination.~~ met the requirements specified in section 4999.100.

§4999.72. FICTITIOUS BUSINESS NAME

Any licensed professional clinical counselor who ~~conducts a private practice~~ owns a business ~~under~~ utilizing a fictitious business name shall not use any name that is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT

(a) Except as provided in subdivision ~~(c)~~(d), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that ~~he or she has~~ they have completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

(b) Except as provided in subdivision (d), effective January 1, 2022, the board shall not renew any registration pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that they have completed not less than 3 hours of approved continuing education in the subject of California law and ethics relevant to the field of professional clinical counseling in the preceding year, as determined by the board.

~~(b)~~(c) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years

and shall make these records available to the board for auditing purposes upon request.

~~(c)~~(d) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

~~(d)~~(e) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers as specified by the board by regulation.

~~(e)~~(f) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision ~~(d)~~(e), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

~~(f)~~(g) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

~~(g)~~(h) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

~~(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.~~

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4999.100. EXPIRATION OF ASSOCIATE REGISTRATION; RENEWAL

(a) An associate registration shall expire one year from the last day of the month in which it was issued.
(b) To renew a registration, the registrant, on or before the expiration date of the registration, shall do the following:
(1) Apply for a renewal on a form prescribed by the board.
(2) Pay a renewal fee prescribed by the board.
(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.
(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.
(5) Certify compliance with the continuing education requirements for registrants set forth in section 4999.76.
(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to ~~(4)~~(5), inclusive, of subdivision (b).
(d) ~~The associate registration may be renewed a maximum of five times. Registration shall not be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent associate registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.~~ A registration number may be renewed a maximum of seven times, and shall be renewed each year if the registrant will be practicing in a non-exempt setting or accruing experience hours in an exempt setting. No registration shall be renewed or reinstated beyond eight years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number upon meeting both of the following requirements:
    1) Obtaining a passing score on the California law and ethics examination. The passing score shall have been obtained within the last two years immediately preceding the application for the subsequent registration number.
    2) Successful completion of at least 15 semester units of graduate level coursework from an accredited or approved institution, as defined in section 4999.12. The required units shall have been completed within the two years immediately preceding the application for the subsequent registration number. The 15 semester units of coursework must be relevant to the practice of professional clinical counseling, and must include all of the following:

a. At least xxx units of coursework in cultural competency and cultural sensitivity;
b. At least xxx units of coursework in multicultural development and cross-cultural interaction;
c. At least xxx units of coursework in assessment, diagnosis, and treatment planning; and
d. At least xxx units of coursework in California law and ethics for professional clinical counselors.
e. At lease xxx units of coursework in treatment planning and clinical interventions.

ATTACHMENT C
PROPOSED LANGUAGE: LCSW

AMEND §4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION

(a) Except as provided in subdivision (a) of Section 4992.07, an applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.
(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application. ~~except for as provided in subdivision (d).~~
~~(d) If a registrant fails to obtain a passing score on the California law and ethics examination within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider, as specified by the board by regulation, a county, state or governmental entity, or a college or university.~~
~~(e)~~(d) The board shall not issue a subsequent registration number unless the applicant has ~~passed the California law and ethics examination.~~met the requirements specified in section 4996.28.

AMEND §4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION

(a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take an examination under this chapter.
(b) Every applicant who is issued a clinical social worker license shall be examined by the board.
(c) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.
(d) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.
(e) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaint against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, or the applicant has been denied in accordance with subdivision (b) of Section 485.

~~(g) Effective January 1, 2016, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.~~

(g) Notwithstanding section 135 and section 4992.11, an applicant may attempt the clinical examination four times. If the applicant fails to pass the clinical examination after four attempts, they shall not be eligible for further reexamination until they obtain a passing score on the current version of the California law and ethics examination and they successfully complete twelve graduate semester units relevant to the practice of clinical social work.

(i) The coursework shall be taken from a master's degree program at an accredited school of social work, as defined in section 4991.2, from a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, or from a school, college or university that is approved by the Bureau for Private Postsecondary Education.

(ii) The coursework shall be required to be completed once every four unsuccessful attempts at the clinical examination.

(iii) The coursework shall have been completed within the previous 12 months of the date the applicant applies for reexamination.

(iv) The applicant shall furnish an official transcript showing completion of the coursework with the application for reexamination.

(v) The passing score on the California law and ethics examination shall have been obtained within the previous 12 months of the date the applicant applies for reexamination.

(iv) This section shall apply for exam attempts taken on or after July 1, 2021.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

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

RENUMBER AND AMEND~~§4996.4.~~§4992.11 FEE FOR REEXAMINATION

(a) ~~Effective January 1, 2016, an~~ An applicant who fails the clinical examination may, within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required

examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all required fees.

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

AMEND §4992.10. FICTITIOUS BUSINESS NAME

A licensed clinical social worker who ~~conducts a private practice~~ owns a business ~~under~~ utilizing a fictitious business name shall not use a name that is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4996.13. OTHER PROFESSIONAL GROUPS; WORK OF PSYCHOSOCIAL NATURE; IMPERMISSIBLE REPRESENTATIONS

Nothing in this article shall prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

(a) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000).

(b) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(c) Members of the State Bar of California.

(d) Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980).

(e) Licensed professional clinical counselors pursuant to Chapter 16 (commencing with Section 4999.10).

(f) A priest, rabbi, or minister of the gospel of any religious denomination.

AMEND §4996.14. EMPLOYEES OF CERTAIN ORGANIZATIONS; ACTIVITIES OF PSYCHOSOCIAL NATURE

(a) This chapter shall not apply to an employee or volunteer who is working in any of the following settings ~~if his or her work is performed solely under the supervision of the employer:~~if his or her work is performed under the oversight and direction of one of the following:

(1) A governmental entity.
(2) A school, college, or university.
(3) An institution that is both nonprofit and charitable.

~~(b) This chapter shall not apply to a volunteer who is working in any of the settings described in subdivision (a) if his or her work is performed solely under the supervision of the entity, school, college, university, or institution.~~

(~~c~~b) This chapter shall not apply to a person using hypnotic techniques by referral from any of the following persons if his or her practice is performed solely under the supervision of the employer:
(1) A person licensed to practice medicine.
(2) A person licensed to practice dentistry.
(3) A person licensed to practice psychology.

(~~d~~c) This chapter shall not apply to a person using hypnotic techniques that offer vocational self-improvement, and the person is not performing therapy for emotional or mental disorders.

(d) Notwithstanding subdivisions (a) and (b), and notwithstanding section 4996.13, all persons registered as associates or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

ADD §4996.141 EXEMPT SETTINGS

The settings described in section 4996.14 are exempt settings and do not fall under the jurisdiction of this chapter or the Board except as specified in section 4996.14, and with the following exceptions:

(a) Any individual working or volunteering in an exempt setting who is licensed or registered under this chapter shall fall under the jurisdiction of the Board and is not exempt from this chapter.

(b) An entity that is licensed or certified by a government agency to provide psychotherapeutic services (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered an exempt setting unless it directly meets the criteria described in section 4996.14.

ADD §4996.142 OTHER TYPES OF PRACTICE SETTINGS

(a) For the purposes of this chapter, the following definitions apply:

1) A “non-exempt setting” is any type of setting that does not qualify as an exempt setting, as specified in section 4996.14.

2) A “private practice” is a type of non-exempt setting that meets the following

criteria:

(A) The practice is owned by a health professional who is licensed under Division 2 of the Code, either independently or jointly with one or more other health professionals who are licensed under Division 2 of the Code;

(B) The practice provides clinical mental health services, including psychotherapy, to clients; and

(C) One or more licensed health professionals are responsible for the practice and for the services provided and set conditions of client payment or reimbursement for the provision of services.

3) A "professional corporation" is a type of non-exempt setting and private practice that has been formed pursuant to Part 4 of Division 3 of Title 1 of the Corporations Code (commencing with section 13400).

4) An entity that is licensed or certified by a government entity (OR an entity that is licensed or certified by a state or federal agency to provide health care services) shall not be considered a private practice setting.

(b) An active license or registration number shall be required to engage in the practice of clinical social work, as defined in section 4996.9, in non-exempt settings at all times, with the following exceptions:

1) A social work intern may engage in the practice of clinical social work in a non-exempt setting that is not a private practice or a professional corporation, while pursing a course of study leading to a master's degree in social work pursuant to section 4996.15.

2) An applicant for registration as an associate may engage in the practice of clinical social work in a non-exempt setting that is not a private practice or a professional corporation before the registration number is issued if they are in compliance with subdivision (b) of section 4996.23 and are gaining supervised experience that meets the requirements of this chapter.

§4996.15. PERFORMANCE OF PSYCHOSOCIAL WORK BY PERSONS IN ACADEMIC INSTITUTIONS, GOVERNMENT AGENCIES OR NONPROFIT ORGANIZATIONS; SOCIAL WORK INTERN

Nothing in this article shall restrict or prevent activities of a psychosocial nature on the part of persons employed by accredited academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or social work interns pursuing the course of study leading to a master's degree in social work in an accredited college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised

course of study and that those persons are designated by such titles as social work interns, social work trainees, or other titles clearly indicating the training status appropriate to their level of training. The term "social work intern," however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work.

AMEND §4996.22. CONTINUING EDUCATION

(a)(1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that ~~he or she has~~ they have completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

(3) Except as provided in subdivision (c), effective January 1, 2022, the board shall not renew any registration pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that they have completed not less than 3 hours of approved continuing education in the subject of California law and ethics relevant to the field of clinical social work in the preceding year, as determined by the board.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4991.2, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this

paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) A school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, or a school, college or university that is approved by the Bureau for Private Postsecondary Education.

~~(2)~~(3) Other continuing education providers, as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(i) The board may adopt regulations as necessary to implement this section.

~~(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.~~

AMEND §4996.23. SUPERVISED POST-MASTER'S EXPERIENCE

(a) To qualify for licensure, each applicant shall complete 3,000 hours of post-master's degree supervised experience related to the practice of clinical social work. Except as provided in subdivision (b), experience shall not be gained until the applicant is registered as an associate clinical social worker.

(b) ~~Preregistered postdegree~~ Post-degree hours of experience gained prior to issuance of an associate registration shall be credited toward licensure if all of the following apply:

(1) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's or doctoral degree.
(2) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed live scan fingerprinting. The applicant shall provide the board with a copy of that completed "State of California Request for Live Scan Service" form with his or her application for licensure.
(3) The board subsequently grants the associate registration.
(c) The applicant shall not be employed or volunteer in a private practice or a professional corporation until he or she has been issued an associate registration by the board.
(d) The experience shall be as follows:
(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.
(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.
(3) A maximum of 1,000 hours in client centered 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.
(4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the ~~six~~eight years immediately preceding the date on which the application for licensure was received by the board.
(5) No more than 40 hours of experience may be credited in any seven consecutive days.
(6) For hours gained on or after January 1, 2010, no more than six hours of supervision, whether individual, triadic, or group supervision, shall be credited during any single week.
(e) An individual who submits an application for licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

AMEND §4996.23.1 DIRECT SUPERVISOR CONTACT

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:
(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.

(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.
(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:
(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.
(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.
(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.
(c) Direct supervisor contact shall occur within the same week as the hours claimed.
(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.
(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.
(f) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and by regulation.
~~(f)~~(g) Notwithstanding subdivision (b), ~~an associate clinical social worker~~ a supervisee working in ~~a governmental entity, school, college, university, or an institution that is nonprofit and charitable~~ an exempt setting described in section 4996.14 may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.
~~(g)~~(h) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.

AMEND §4996.23.2. SUPERVISED EXPERIENCE: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) An associate clinical social worker or applicant for licensure shall only perform mental health and related services as an employee or as a volunteer, not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. An associate or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4996.9, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

~~(b) "Private practice," for purposes of this chapter, is defined as a setting owned by a licensed clinical social worker, a licensed marriage and family therapist, a psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(c)~~(b) Employment in a private practice or a professional corporation shall not commence until the applicant has been registered as an associate clinical social worker.

~~(d)~~(c) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

~~(e)~~(d) Only experience gained in the position for which the associate clinical social worker volunteers or is employed shall qualify as supervised experience.

~~(f)~~(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

~~(g)~~(f) An associate clinical social worker or applicant for licensure who provides voluntary services in any lawful work setting ~~other than a private practice~~ and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who ~~receives~~ received reimbursement for expenses and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

~~(h)~~(g) An associate clinical social worker or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.

~~(i)~~(h) An associate or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

~~(j)~~(i) An associate or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings,

equipment, or supplies, or in any other way pay for the obligations of his or her employer.

~~(k)~~(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her supervisees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

AMEND §4996.23.3. SUPERVISEES: LOCATION OF SERVICES; MAXIMUM NUMBER OF REGISTRANTS; OVERSIGHT AGREEMENT

(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where his or her employer ~~regularly conducts business and services.~~permits business to be conducted.

(b) An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who: ~~is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.~~

(1) Is employed by or contracted by the associate's employer, or is an owner of the private practice or professional corporation, and

(2) Provides psychotherapeutic services to clients at the same site as the associate.

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

(c) Supervisors of supervisees in a private practice or a professional corporation shall not serve as an individual or triadic supervisor for more than a total of six supervisees at any time. Supervisees may be registered as associate marriage and family therapists, associate professional clinical counselors, associate clinical social workers, or any combination of these.

~~(d) In a setting that is not a private practice:~~

~~(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(2) A supervisor shall evaluate the site or sites where an associate clinical social worker will be gaining experience to determine that the site or sites are in compliance with the requirements set forth in this chapter and regulations.~~

(d) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer. The supervisor shall evaluate the site or

sites where the supervisee will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.

~~(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and by regulation.~~

AMEND §4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL

(a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.

(4) Participate in the California law and ethics examination pursuant to Section 4992.09 each year until successful completion of this examination.

(5) Certify compliance with the continuing education requirements for registrants set forth in section 4996.22.

(b) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to ~~(4)~~(5), inclusive, of subdivision (a).

(d) (c) ~~A registration as an associate clinical social worker may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which the registration was issued, regardless of whether the registration has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number and has passed the California law and ethics examination pursuant to Section 4992.09. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.~~ The registration may be renewed a maximum of seven times, and shall be renewed each year if the registrant will be practicing in a non-exempt setting, or accruing experience hours in an exempt setting. No registration shall be renewed or reinstated beyond eight years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number upon meeting both of the following requirements:

1. Obtaining a passing score on the California law and ethics examination. The passing score shall have been obtained within the last two years immediately preceding the application for the subsequent registration number.

2. Successful completion of at least 15 semester units of graduate level coursework from an accredited school of social work, as defined in section 4991.2, from a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, or from a school, college or university that is approved by the Bureau for Private Postsecondary Education. The required units shall have been completed within the two years immediately preceding the application for the subsequent registration number. The 15 semester units of coursework must be relevant to the practice of clinical social work, and must include all of the following:

    a. At least xxx units of coursework in cultural competency and cultural sensitivity;
    b. At least xxx units of coursework in multicultural development and cross-cultural interaction;
    c. At least xxx units of coursework in assessment, diagnosis, and treatment planning; and
    d. At least xxx units of coursework in California law and ethics for clinical social workers.
    e. At least xxx units of coursework in treatment planning and clinical interventions.

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ATTACHMENT D

ASWB Examination program

Knowledge, Skills, and Abilities

Clinical Examination

I. HUMAN DEVELOPMENT, DIVERSITY, AND BEHAVIOR IN THE ENVIRONMENT 24%

IA. HUMAN GROWTH AND DEVELOPMENT

This section of the exam may include questions on the following topics:

- Theories of human development throughout the lifespan (e.g., physical, social, emotional, cognitive, behavioral)
- The indicators of normal and abnormal physical, cognitive, emotional, and sexual development throughout the lifespan
- Theories of sexual development throughout the lifespan
- Theories of spiritual development throughout the lifespan
- Theories of racial, ethnic, and cultural development throughout the lifespan
- The effects of physical, mental, and cognitive disabilities throughout the lifespan
- The interplay of biological, psychological, social, and spiritual factors
- Basic human needs
- The principles of attachment and bonding
- The effect of aging on biopsychosocial functioning
- Gerontology
- Personality theories
- Factors influencing self-image (e.g., culture, race, religion/spirituality, age, disability, trauma)
- Body image and its impact (e.g., identity, self-esteem, relationships, habits)
- Parenting skills and capacities
- Basic principles of human genetics
- The family life cycle
- Models of family life education in social work practice
- The impact of aging parents on adult children
- Systems and ecological perspectives and theories
- Strengths-based and resilience theories
- The dynamics and effects of loss, separation, and grief

IB. HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT

This section of the exam may include questions on the following topics:

- Person-in-Environment (PIE) theory
- Family dynamics and functioning and the effects on individuals, families, groups, organizations, and communities
- The dynamics of interpersonal relationships
- Indicators and dynamics of abuse and neglect throughout the lifespan
- The effects of physical, sexual, and psychological abuse on individuals, families, groups, organizations, and communities

IB. HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT (continued)

- The characteristics of perpetrators of abuse, neglect, and exploitation
- The effects of life events, stressors, and crises on individuals, families, groups, organizations, and communities
- The impact of stress, trauma, and violence
- Crisis intervention theories
- The effect of poverty on individuals, families, groups, organizations, and communities
- The impact of the environment (e.g., social, physical, cultural, political, economic) on individuals, families, groups, organizations, and communities
- Social and economic justice
- Theories of social change and community development
- The impact of social institutions on society
- The impact of globalization on clients/client systems (e.g., interrelatedness of systems, international integration, technology, environmental or financial crises, epidemics)
- Criminal justice systems
- The impact of out-of-home placement (e.g., hospitalization, foster care, residential care, criminal justice system) on clients/client systems
- Theories of couples development
- The impact of physical and mental illness on family dynamics
- Co-occurring disorders and conditions
- The impact of caregiving on families
- Psychological defense mechanisms and their effects on behavior and relationships
- Addiction theories and concepts
- The effects of addiction and substance abuse on individuals, families, groups, organizations, and communities
- The indicators of addiction and substance abuse
- Role theories
- Feminist theory
- Theories of group development and functioning
- Communication theories and styles
- Theories of conflict

IC. DIVERSITY AND DISCRIMINATION

This section of the exam may include questions on the following topics:

- The effect of disability on biopsychosocial functioning throughout the lifespan
- The effect of culture, race, and ethnicity on behaviors, attitudes, and identity
- The effects of discrimination and stereotypes on behaviors, attitudes, and identity
- The influence of sexual orientation on behaviors, attitudes, and identity
- The impact of transgender and transitioning process on behaviors, attitudes, identity, and relationships
- Systemic (institutionalized) discrimination (e.g., racism, sexism, ageism)
- The principles of culturally competent social work practice
- Sexual orientation concepts
- Gender and gender identity concepts

II. ASSESSMENT, DIAGNOSIS, AND TREATMENT PLANNING 30%

IIA. BIOPSYCHOSOCIAL HISTORY AND COLLATERAL DATA

This section of the exam may include questions on the following topics:

- The components of a biopsychosocial assessment
- Techniques and instruments used to assess clients/client systems
- The types of information available from other sources (e.g., agency, employment, medical, psychological, legal, or school records)
- Methods to obtain sensitive information (e.g., substance abuse, sexual abuse)
- The principles of active listening and observation
- The indicators of sexual dysfunction
- Symptoms of neurologic and organic disorders

IIB. ASSESSMENT AND DIAGNOSIS

This section of the exam may include questions on the following topics:

- The factors and processes used in problem formulation
- Methods of involving clients/client systems in problem identification (e.g., gathering collateral information)
- The components and function of the mental status examination
- Methods to incorporate the results of psychological and educational tests into assessment
- The indicators of psychosocial stress
- The indicators, dynamics, and impact of exploitation across the lifespan (e.g., financial, immigration status, sexual trafficking)
- The indicators of traumatic stress and violence
- Methods used to assess trauma
- Risk assessment methods
- The indicators and risk factors of the client's/client system's danger to self and others
- Methods to assess the client's/client system's strengths, resources, and challenges (e.g., individual, family, group, organization, community)
- The indicators of motivation, resistance, and readiness to change
- Methods to assess motivation, resistance, and readiness to change
- Methods to assess the client’s/client system’s communication skills
- Methods to assess the client’s/client system’s coping abilities
- The indicators of the client’s/client system’s strengths and challenges
- Methods to assess ego strengths
- The use of the Diagnostic and Statistical Manual of the American Psychiatric Association
- The indicators of mental and emotional illness throughout the lifespan
- Biopsychosocial factors related to mental health
- Biopsychosocial responses to illness and disability
- Common psychotropic and non-psychotropic prescriptions and over-the-counter medications and their side effects
- The indicators of somatization
- The indicators of feigning illness

IIB. ASSESSMENT AND DIAGNOSIS (continued)

- Basic medical terminology
- The indicators of behavioral dysfunction
- Placement options based on assessed level of care
- Methods to assess organizational functioning (e.g., agency assessments)
- Data collection and analysis methods

IIC. TREATMENT PLANNING

This section of the exam may include questions on the following topics:

- Methods to involve clients/client systems in intervention planning
- Cultural considerations in the creation of an intervention plan
- The criteria used in the selection of intervention/treatment modalities (e.g., client/client system abilities, culture, life stage)
- The components of intervention, treatment, and service plans
- Theories of trauma-informed care
- Methods and approaches to trauma-informed care
- The impact of immigration, refugee, or undocumented status on service delivery
- Methods to develop, review, and implement crisis plans
- Discharge, aftercare, and follow-up planning
- Techniques used to evaluate a client's/client system's progress
- Methods, techniques, and instruments used to evaluate social work practice
- The principles and features of objective and subjective data
- Basic and applied research design and methods
- Methods to assess reliability and validity in social work research

III. PSYCHOTHERAPY, CLINICAL INTERVENTIONS, AND CASE MANAGEMENT 27%

IIIA. THERAPEUTIC RELATIONSHIP

This section of the exam may include questions on the following topics:

- The components of the social worker-client/client system relationship
- The principles and techniques for building and maintaining a helping relationship
- The dynamics of power and transparency in the social worker-client/client system relationship
- The social worker's role in the problem-solving process
- Methods to clarify the roles and responsibilities of the social worker and client/client system in the intervention process
- The concept of acceptance and empathy in the social worker-client/client system relationship
- The dynamics of diversity in the social worker-client/client system relationship
- The effect of the client's developmental level on the social worker-client relationship
- The impact of domestic, intimate partner, and other violence on the helping relationship
- Verbal and nonverbal communication techniques
- The concept of congruence in communication
- Methods to obtain and provide feedback

IIIB. THE INTERVENTION PROCESS

This section of the exam may include questions on the following topics:

- The principles and techniques of interviewing (e.g., supporting, clarifying, focusing, confronting, validating, feedback, reflecting, language differences, use of interpreters, redirecting)
- The phases of intervention and treatment
- Problem-solving models and approaches (e.g., brief, solution-focused methods or techniques)
- The client's/client system's role in the problem-solving process
- Methods to engage and motivate clients/client systems
- Methods to engage and work with involuntary clients/client systems
- Limit setting techniques
- The technique of role play
- Role modeling techniques
- Techniques for harm reduction for self and others
- Methods to teach coping and other self-care skills to clients/client systems
- Client/client system self-monitoring techniques
- Methods of conflict resolution
- Crisis intervention and treatment approaches
- Anger management techniques
- Stress management techniques
- The impact of out-of-home displacement (e.g., natural disaster, homelessness, immigration) on clients/client systems
- Methods to create, implement, and evaluate policies and procedures that minimize risk for individuals, families, groups, organizations, and communities
- Psychotherapies
- Psychoanalytic and psychodynamic approaches
- Cognitive and behavioral interventions
- Strengths-based and empowerment strategies and interventions
- Client/client system contracting and goal-setting techniques
- Partializing techniques
- Assertiveness training
- Task-centered approaches
- Psychoeducation methods (e.g., acknowledging, supporting, normalizing)
- Group work techniques and approaches (e.g., developing and managing group processes and cohesion)
- Family therapy models, interventions, and approaches
- Couples interventions and treatment approaches
- Permanency planning
- Mindfulness and complementary therapeutic approaches
- Techniques used for follow-up
- Time management approaches
- Community organizing and social planning methods

IIIB. THE INTERVENTION PROCESS (continued)

- Methods to develop and evaluate measurable objectives for client/client system intervention, treatment, and/or service plans
- Primary, secondary, and tertiary prevention strategies
- The indicators of client/client system readiness for termination

IIIC. SERVICE DELIVERY AND MANAGEMENT OF CASES

This section of the exam may include questions on the following topics:

- The effects of policies, procedures, regulations, and legislation on social work practice and service delivery
- The impact of the political environment on policy-making
- Theories and methods of advocacy for policies, services, and resources to meet clients'/client systems' needs
- Methods of service delivery
- The components of case management
- The principles of case recording, documentation, and management of practice records
- Methods to establish service networks or community resources
- Employee recruitment, training, retention, performance appraisal, evaluation and discipline
- Case recording for practice evaluation or supervision
- Methods to evaluate agency programs (e.g., needs assessment, formative/summative assessment, cost effectiveness, cost-benefit analysis, outcomes assessment)
- The effects of program evaluation findings on services
- Quality assurance, including program reviews and audits by external sources

IIID. CONSULTATION AND INTERDISCIPLINARY COLLABORATION

This section of the exam may include questions on the following topics:

- Leadership and management techniques
- Models of supervision and consultation (e.g., individual, peer, group)
- Educational components, techniques, and methods of supervision
- The supervisee's role in supervision (e.g., identifying learning needs, self-assessment, prioritizing, etc.)
- Methods to identify learning needs and develop learning objectives for supervisees
- The elements of client/client system reports
- The elements of a case presentation
- The principles and processes for developing formal documents (e.g., proposals, letters, brochures, pamphlets, reports, evaluations)
- Consultation approaches (e.g. referrals to specialists)
- Methods of networking
- The process of interdisciplinary and intradisciplinary team collaboration
- The basic terminology of professions other than social work (e.g., legal, educational)
- Techniques to inform and influence organizational and social policy
- Methods to assess the availability of community resources
- Techniques for mobilizing community participation
- Methods to establish program objectives and outcomes
- Governance structures

IIID. CONSULTATION AND INTERDISCIPLINARY COLLABORATION (continued)

- The relationship between formal and informal power structures in the decision-making process
- Accreditation and/or licensing requirements

IV. PROFESSIONAL VALUES AND ETHICS 19%

IVA. PROFESSIONAL VALUES AND ETHICAL ISSUES

This section of the exam may include questions on the following topics:

- Legal and/or ethical issues related to the practice of social work, including responsibility to clients/client systems, colleagues, the profession, and society
- Techniques to identify and resolve ethical dilemmas
- The client's/client system's right to refuse services (e.g., medication, medical treatment, counseling, placement, etc.)
- Professional boundaries in the social worker-client/client system relationship (e.g., power differences, conflicts of interest, etc.)
- Ethical issues related to dual relationships
- Self-disclosure principles and applications
- The principles and processes of obtaining informed consent
- Legal and/or ethical issues regarding documentation
- Legal and/or ethical issues regarding termination
- Legal and/or ethical issues related to death and dying
- Research ethics (e.g., institutional review boards, use of human subjects, informed consent)
- Ethical issues in supervision and management
- Methods to create, implement, and evaluate policies and procedures for social worker safety

IVB. CONFIDENTIALITY

This section of the exam may include questions on the following topics:

- The use of client/client system records
- Legal and/or ethical issues regarding confidentiality, including electronic information security
- Legal and/or ethical issues regarding mandatory reporting (e.g., abuse, threat of harm, impaired professionals, etc.)

IVC. PROFESSIONAL DEVELOPMENT AND USE OF SELF

This section of the exam may include questions on the following topics:

- Professional values and principles (e.g., competence, social justice, integrity, and dignity and worth of the person)
- Professional objectivity in the social worker-client/client system relationship
- Techniques for protecting and enhancing client/client system self-determination
- Client/client system competence and self-determination (e.g., financial decisions, treatment decisions, emancipation, age of consent, permanency planning)
- The influence of the social worker's own values and beliefs on the social worker-client/client system relationship

IVC. PROFESSIONAL DEVELOPMENT AND USE OF SELF (continued)

- The influence of the social worker's own values and beliefs on interdisciplinary collaboration
- The impact of transference and countertransference in the social worker-client/client system relationship
- The impact of transference and countertransference within supervisory relationships
- The components of a safe and positive work environment
- Social worker self-care principles and techniques
- Burnout, secondary trauma, and compassion fatigue
- Evidence-based practice
- Professional development activities to improve practice and maintain current professional knowledge (e.g., in-service training, licensing requirements, reviews of literature, workshops)

MFT CALIFORNIA CLINICAL EXAMINATION PLAN

MFT California Clinical Examination Outline

CONTENT AREA	SECTION	WEIGHT	ITEMS
I. Clinical Evaluation		20%	30
	IA. Clinical Assessment	11%	17
	IB. Referral Services	2%	3
	IC. Diagnosis	7%	10
II. Crisis Management		12%	18
	IIA. Crisis Assessment	6%	9
	IIB. Crisis Management	6%	9
III. Treatment Planning		20%	30
	IIIA. Therapeutic Goals	2%	3
	IIIB. Treatment Plan Development	8%	12
	IIIC. Theoretical Orientation	10%	15
IV. Treatment		20%	30
	IVA. Therapeutic Intervention	8%	12
	IVB. Theoretical Orientation	7%	10
	IVC. Adjunctive Services	2%	3
	IVD. Termination	3%	5
V. Ethics		16%	24
	VA. Consent/Confidentiality	4%	6
	VB. Therapeutic Boundaries	4%	6
	VC. Competency	3%	4
	VD. Therapeutic Relationship	5%	8
VI. Law		12%	18
	VIA. Confidentiality/Privilege/ Exceptions	7%	11
	VIB. Professional Conduct	5%	7

The exact number of items devoted to each content area or section may vary slightly from one examination version to another in accordance with the clinical features and key factors associated with the scenario presented. In addition, the items may apply to more than one content area. All multiple-choice items are equally weighted.

The following pages contain detailed information regarding examination content. The content areas, sections, and associated task and knowledge statements are provided. It is important for candidates to use this section as a study guide because each item on the LMFT Written Clinical is directly linked to this examination outline. Candidates are encouraged to use this section to consider their strengths and weaknesses in each area in preparing and studying for the examination.

EXAMINATION CONTENT

The simulations on the NCMHCE are designed to sample a broad area of competencies, not the recall of isolated facts. Therefore, the simulations assess clinical problem-solving abilities including conducting empirically supported and professionally indicated assessments and formation of symptom-based DSM diagnoses and clinically aligned treatment plans.The examination consists of 10 clinical mental health counseling cases. Each case is divided into five to 10 sections classified as either Information Gathering (IG) or Decision Making (DM). One of the 10 simulations is included for field-test purposes; it is not scored and only used to generate item statistics for future simulations.

The examination covers the following areas:

Assessment and Diagnosis

Example assessment and diagnosis work behaviors include the following:

- Integrate client assessment and observational data.
- Identify precipitating problems or symptoms.
- Identify individual and/or relationship functioning.
- Identify relevant family issues.

Counseling and Psychotherapy

Example counseling and psychotherapy work behaviors include the following:

- Inform client about ethical standards and practice.
- Clarify counselor/client roles.
- Implement individual counseling in relation to a plan of treatment.
- Evaluate referral information.

Administration, Consultation, and Supervision

Example administration, consultation and supervision work behaviors include the following:

- Maintain case notes, records, and/or files.
- Determine if services meet clients' needs.
- Conduct professional communication.
- Assist clients with obtaining services.

EXAMINATION FORMAT

A clinical mental health counselor is required to make important clinical decisions regarding the well-being of clients. Therefore, a clinical simulation examination more realistically assesses knowledge of such decision-making.

The NCMHCE is a clinical simulation examination. Each simulation consists of three components: a scenario, Information Gathering (IG) sections, and Decision Making (DM) sections. The scenario provides the setting and introductory client information (e.g., age, gender, presenting problem[s]).

In Information Gathering (IG) sections, you are expected to gather all relevant information for diagnosis and treatment of your client. This might include family background, status of physical health, previous experience in counseling, etc. Be sure to read all options before submitting any selections. To make a selection, click the circle next to a response and then click the corresponding "submit" button to obtain feedback. You should select all options that are appropriate. If you select more or fewer options than are appropriate, this will adversely impact your Information Gathering score.

Decision Making (DM) sections provide opportunities for making clinical judgments or decisions. IG and DM sections may be formatted in one of two ways:

1. **Single Best Option**—There may be more than one acceptable option, but one option is generally regarded as most acceptable.
2. **Multiple Options**—Several options are considered appropriate. These sections address decisions in which a combination of actions is required.

In the Decision Making section described as "Single Best Option," the instructions are to "CHOOSE ONLY ONE" option. You should not assume that your response is incorrect if you are directed to make another selection. The simulation examination format sometimes uses this direction. The "Multiple Options" type of Decision Making section will have instructions to "SELECT AS MANY AS INDICATED." When making a selection, click the circle next to a response and then click the corresponding "submit" button to obtain feedback. If you fail to click the circle and submit button, you will not receive information to determine whether to proceed to the next section.

The procedure for taking the NCMHCE is different from that of multiple-choice examinations. Each simulation is identified by a number and the client's name, and each section by a letter.

Board of Behavioral Sciences

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Memo

To: Policy and Advocacy Committee Members **Date:** July 26, 2019

From: Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

Subject: **BBS Fee Proposal**

Summary

The Board of Behavioral Sciences (Board) has not raised its licensing fees for marriage and family therapists, clinical social workers, or educational psychologists in at least 20 years. A recent audit of the Board's licensing fees found that they are no longer sufficient to recover operating costs. Therefore, staff is proposing increases to the following fees:

Marriage and Family Therapists:

Fee Type	Current Fee	Proposed Fee
Associate Registration	$75	$150
Associate Renewal	$75	$150
Application for Licensure	$100	$250
Law & Ethics Exam	$100	$150
Clinical Exam	$100	$250
Initial License Issuance	$130	$200
License Renewal	$130	$200

Licensed Educational Psychologists:

Fee Type	Current Fee	Proposed Fee
Application for Licensure	$100	$250
Written Exam	$100	$250
Initial License Issuance	$80	$200
License Renewal	$80	$200

Clinical Social Workers:

Fee Type	Current Fee	Proposed Fee
Associate Registration	$75	$150
Associate Renewal	$75	$150
Application for Licensure	$100	$250
Law & Ethics Exam	$100	$150
Clinical Exam	n/a	n/a
Initial License Issuance	$100	$200
License Renewal	$100	$200

Professional Clinical Counselors

Fee Type	Current Fee	Proposed Fee
Associate Registration	$100	$150
Associate Renewal	$100	$150
Application for Licensure	$180	$250
Law & Ethics Exam	$100	$150
Clinical Exam	n/a	n/a
Initial License Issuance	$200	$200
License Renewal	$175	$200

Background

In August 2018, the Board contracted with CPS HR Consulting (CPS) to provide performance auditing and consulting services to review the Board's fee structure and staff workload to determine if fee levels are appropriate for the recovery of the actual cost of conducting its programs. In April 2019 CPS HR submitted the final report (**Attachment F**).

The report reviewed 25 main fees that represent approximately 90 percent of the Board's fee revenue: applications for registrations, licenses, examination and renewals. It was noted that, during the last four years, while revenues for the 25 fees have increased by almost 39 percent the Board's expenditures have increased by approximately 42 percent. This was due to a steady increase application volume and registrant/licensee population. Also, it was important to note the Board has not raised fees for the Licensed Marriage and Family Therapists (LMFTs), Licensed Clinical Social Workers (LCSWs) and Licensed Educational Psychologists (LEPs) in at least twenty years.

To determine appropriate fees CPS used three years, (FY 16-17 to FY 18-19) of average expenditures and staff hours. Dividing the average expenditures by staff hours for the three years resulted in a $120 per hour/$2.00 per minute fully absorbed cost rate. The resulting proposed fee increases ranged from $0 to $315. These proposed fees were used to make projections for our fund condition for the next five years. Ultimately, the fees proposed would increase the Board's revenue by $6,016,000 per full fiscal year and would result in a five-month reserve by Fiscal Year 2023-24.

In developing the proposed fees listed above, the staff took into consideration the impact a fee increase may have on the registrants and licensees. A higher number of staff hours are typically spent on registrants; however, registrants earn less money than licensees. Therefore, proposed fees were adjusted from fees based solely on workload in an attempt to achieve a more equitable result.

Next Steps

The Committee should discuss the proposed fees and determine how it would like to proceed. A fee increase will need to be done in two steps:

- **Step 1:** Run legislation to increase the fees in statute, setting a baseline amount, and a maximum amount so that fees may be increased in the future via regulations if necessary. **(Attachment A)**

- **Step 2:** Amend the Board's regulations relating to licensing fees. Initially, the regulations would reflect the baseline fees established in statute. If the Board wished to seek additional fee increases in the future, it could do so by solely running regulations, as long as the fee amounts did not exceed the maximum amounts specified in statute. **(Attachment B)**

Attachments

Attachment A: Licensing Fees – Proposed Statutory Changes
Attachment B: Licensing Fees – Proposed Regulation Changes
Attachment C: Licensed Marriage and Family Therapist Fee Comparison
Attachment D: Licensed Clinical Social Worker Fee Comparison
Attachment E: Licensed Professional Clinical Counselor Fee Comparison
Attachment F: BBS Fee Audit *"Final Report - Board of Behavioral Sciences: Performance and Fee Review,"* By CPS HR Consulting, April 24, 2019

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ATTACHMENT A
LICENSING FEES – PROPOSED STATUTORY CHANGES

LMFT

§4980.54. CONTINUING EDUCATION

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

(f) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (f), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(h) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(i) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

~~(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.~~

~~(k)~~(j) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4984.7. LICENSING AND EXAM FEES SCHEDULE

(a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

(1) The application fee for an associate registration shall be ~~seventy five dollars ($75).~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(2) The renewal fee for an associate registration shall be ~~seventy five dollars ($75).~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(3) The fee for the application for licensure shall be ~~one hundred dollars ($100).~~two hundred fifty dollars ($250), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500).

(4) The fee for the clinical examination shall be ~~one hundred dollars ($100).~~two hundred fifty dollars ($250),unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500). The fee for the California law and ethics examination shall be ~~one hundred dollars ($100).~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars ($20).

(6) The fee for the issuance of an initial license shall be ~~a maximum of one hundred eighty dollars ($180).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(7) The fee for license renewal shall be ~~a maximum of one hundred eighty dollars ($180).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

~~(8) The fee for inactive license renewal shall be a maximum of ninety dollars ($90).~~

(9) The renewal delinquency fee shall be ~~a maximum of ninety dollars ($90)~~one-half of the fee for license renewal. A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(12) The fee for issuance of a retired license shall be forty dollars ($40).

~~(b) With regard to license, examination, and other fees, the board shall establish the fee amounts at or below the maximum amounts specified in this chapter.~~

LEP

§4989.34. CONTINUING EDUCATION REQUIREMENTS

(a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.

(b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider as specified by the board by regulation.

(2) The board shall establish, by regulation, a procedure identifying acceptable providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(c) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.

(2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.

(d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.

~~(f) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.~~

~~(g)~~(f) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4989.36. RENEWAL OF EXPIRED LICENSE

A licensee may renew a license that has expired at any time within three years after its expiration date by taking all of the actions described in Section 4989.32 and by paying ~~all unpaid prior renewal fees and delinquency fees.~~the delinquency fee.

§4989.40. EXPIRATION AND REINSTATEMENT OF REVOKED LICENSE

A revoked license is subject to expiration as provided in this article and shall not be renewed. The applicant may apply to the board for reinstatement of his or her license and shall pay a reinstatement fee in an amount equal to the renewal fee in effect at that time and any delinquency fee~~s~~ that may have accrued and comply with other requirements of the board for reinstatement.

§4989.68. FEE SCHEDULE

(a) The board shall assess the following fees relating to the licensure of educational psychologists:

(1) The application fee for ~~examination eligibility~~ licensure shall be ~~one hundred dollars ($100)~~two hundred fifty dollars ($250), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500).

(2) The fee for issuance of the initial license shall be ~~a maximum amount of one hundred fifty dollars ($150)~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(3) The fee for license renewal shall be ~~a maximum amount of one hundred fifty dollars ($150).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(4) The delinquency fee shall be ~~a maximum amount of seventy-five dollars ($75).~~one-half of the fee for license renewal. A person who permits his or her license to ~~become delinquent may have it restored only upon payment of all the fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.~~expire is subject to the delinquency fee.

(5) The written examination fee shall be ~~one hundred dollars ($100)~~two hundred fifty dollars ($250), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500). An applicant who fails to appear for an examination, once having been scheduled, shall forfeit any examination fees ~~he or she~~ paid.

(6) The fee for rescoring a written examination shall be twenty dollars ($20).

(7) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(8) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(9) The fee for issuance of a retired license shall be forty dollars ($40).

(b) ~~With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.~~

LCSW

§4996.3. LICENSING AND EXAM FEES

(a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be ~~seventy-five dollars ($75)~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(2) The fee for renewal of an associate clinical social worker registration shall be ~~seventy-five dollars ($75)~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(3) The fee for application for licensure shall be ~~one hundred dollars ($100)~~two hundred fifty dollars ($250), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(4) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be ~~one hundred dollars ($100)~~two hundred fifty dollars ($250). The board may choose to promulgate regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500). The fee for the California law and ethics examination shall be ~~one hundred dollars ($100)~~one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the

actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars ($20).

(6) The fee for issuance of an initial license shall be ~~a maximum of one hundred fifty-five dollars ($155).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(7) The fee for license renewal shall be ~~a maximum of one hundred fifty-five dollars ($155).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

~~(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents ($77.50).~~

(9) The renewal delinquency fee shall be ~~a maximum of seventy-five dollars ($75).~~one-half of the fee for license renewal. A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars ($20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

(12) The fee for issuance of a retired license shall be forty dollars ($40).

(b) ~~With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.~~

§4996.22. CONTINUING EDUCATION

(a)(1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and

after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4991.2, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(i) The board may adopt regulations as necessary to implement this section.

~~(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.~~

<u>LPCC</u>

§4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT

(a) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

~~(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.~~

~~(i)~~(h) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

§4999.104. RENEWAL OF EXPIRED LICENSE; TIME LIMIT; REQUIREMENTS

Licenses issued under this chapter that have expired may be renewed at any time within three years of expiration. To renew an expired license described in this section, the licensee shall do all of the following:

(a) File an application for renewal on a form prescribed by the board.

(b) Pay ~~all fees that would have been paid if the license had not become delinquent.~~ a two-year renewal fee prescribed by the board.

(c) Pay ~~all delinquency fees~~ a delinquency fee.

(d) Certify compliance with the continuing education requirements set forth in Section 4999.76.

(e) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

§4999.120. FEES

~~The board shall assess fees for the application for and the issuance and renewal of licenses and for the registration of associates to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:~~The board shall assess the following fees relating to the licensure of professional clinical counselors:

(a) The fee for the application for licensure shall be ~~up to~~ two hundred fifty dollars ($250)~~.~~, unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500).

(b) The fee for the application for associate registration shall be ~~up to~~ one hundred fifty dollars ($150)~~.~~, unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(c) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be ~~up to~~ two hundred fifty dollars ($250). The board may choose to promulgate regulations to set the fee at a higher amount, up to a maximum of five hundred dollars ($500). The fee for the California law and ethics examination shall be one hundred fifty dollars ($150), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

~~(d) The fee for the law and ethics examination shall be up to one hundred fifty dollars ($150).~~

~~(e)~~(d) The fee for the issuance of a license shall be ~~up to two hundred fifty dollars ($250).~~two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

~~(f)~~(e) The fee for annual renewal of an associate registration shall be ~~up to~~ one hundred fifty dollars ($150)~~.~~, unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of three hundred dollars ($300).

~~(g)~~(f) The fee for ~~two-year renewal of licenses shall be up to two hundred fifty dollars ($250).~~ license renewal shall be two hundred dollars ($200), unless the board promulgates regulations to set the fee at a higher amount, up to a maximum of four hundred dollars ($400).

(g) The renewal delinquency fee shall be one-half of the fee for license renewal. A person who permits their license to expire is subject to the delinquency fee.

(h) The fee for issuance of a retired license shall be forty dollars ($40).

(i) The fee for rescoring an examination shall be twenty dollars ($20).

(j) The fee for issuance of a replacement license or registration shall be twenty dollars ($20).

(k) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25).

~~§4999.122. PROFESSIONAL CLINICAL COUNSELING PROGRAM; STARTUP FUNDS~~

~~The professional clinical counselor licensing program shall be supported from fees assessed to applicants, interns, and licensees. Startup funds to implement this program shall be derived, as a loan, from the reserve fund of the Board of Behavioral Sciences, subject to an appropriation by the Legislature in the annual Budget Act. The board shall not implement this chapter until funds have been appropriated.~~

ATTACHMENT B
LICENSING FEES – PROPOSED REGULATION CHANGES

ARTICLE 2. FEES

§1816. RENEWAL FEES

(a) The annual renewal fee for associate marriage and family therapist registration is ~~seventy-five dollars ($75.00).~~ one hundred fifty dollars ($150).

(b) The annual renewal fee for associate clinical social worker registration is ~~seventy-five dollars ($75.00).~~ one hundred fifty dollars ($150).

(c) The annual renewal fee for associate professional clinical counselors is ~~one hundred dollars ($100.00).~~ one hundred fifty dollars ($150).

(d) The biennial active renewal fee for a licensed marriage and family therapist is ~~one hundred thirty dollars ($130.00).~~ two hundred dollars ($200).

(e) The biennial active renewal fee for a licensed educational psychologist is ~~eighty dollars ($80.00).~~ two hundred dollars ($200).

(f) The biennial active renewal fee for a licensed clinical social worker is ~~one hundred dollars ($100.00).~~ two hundred dollars ($200).

(g) The biennial active renewal fee for a licensed professional clinical counselor is ~~one hundred seventy-five dollars ($175.00).~~ two hundred dollars ($200).

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

§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).~~two hundred dollars ($200).

(b) The fee for initial issuance of the licensed educational psychologist license shall be ~~eighty dollars ($80.00).~~two hundred dollars ($200).

(c) The fee for initial issuance of the licensed clinical social worker license shall be ~~one hundred dollars ($100.00).~~two hundred dollars ($200).

(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~~ application fee for an associate professional clinical counselor registration shall be ~~one hundred dollars ($100.00).~~ one hundred fifty dollars ($150).

(f) The application fee for an associate marriage and family therapist registration shall be one hundred fifty dollars ($150).

(g) The application fee for an associate clinical social worker registration shall be one hundred fifty dollars ($150).

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, 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).~~one hundred fifty dollars ($150).

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

~~(c)~~(b) The licensed marriage and family therapist California law and ethics examination fee shall be ~~one hundred dollars ($100.00).~~one hundred fifty dollars ($150).

~~(d)~~(c) The board administered licensed marriage and family therapist clinical examination fee shall be ~~one hundred dollars ($100.00).~~two hundred fifty dollars ($250).

~~(e)~~(d) The licensed educational psychologist written examination fee shall be ~~one hundred dollars ($100.00).~~two hundred fifty dollars ($250).

~~(f)~~(e) The licensed professional clinical counselor California law and ethics examination shall be ~~one hundred dollars ($100.00).~~one hundred fifty dollars ($150).

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

§1816.3. EXAMINATION RESCORING FEES

The fee for rescoring any board administered licensed marriage and family therapist, licensed clinical social worker, licensed educational psychologist, or licensed professional clinical counselor examination shall be twenty dollars ($20.00).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.

§1816.4. ~~EXAMINATION ELIGIBILITY APPLICATION FEES~~ FEES FOR APPLICATION FOR LICENSURE

(a) The fee for the licensed marriage and family therapist ~~examination eligibility~~ application for licensure shall be ~~one hundred dollars ($100.00).~~two hundred fifty dollars ($250).

(b) The fee for the licensed clinical social worker ~~examination eligibility~~ application for licensure shall be ~~one hundred dollars ($100.00).~~two hundred fifty dollars ($250).

(c) The fee for the licensed educational psychologist ~~examination eligibility~~ application for licensure shall be ~~one hundred dollars ($100.00).~~two hundred fifty dollars ($250).

(d) The fee for the licensed professional clinical counselor ~~examination eligibility~~ application for licensure shall be ~~one hundred and eighty dollars ($180.00).~~two hundred fifty dollars ($250).

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

~~§ 1816.5. REPLACEMENT AND CERTIFICATION FEES~~

~~(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars ($20.00).~~

~~(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars ($25.00).~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.~~

~~§ 1816.6. INACTIVE LICENSE FEES~~

~~(a) The fee for issuance or renewal of an inactive licensed marriage and family therapist license shall be sixty-five dollars ($65.00).~~

~~(b) The fee for issuance or renewal of an inactive licensed clinical social worker license shall be fifty dollars ($50.00).~~

~~(c) The fee for issuance or renewal of an inactive licensed educational psychologist license shall be forty dollars ($40.00).~~

~~(d) The fee for issuance or renewal of an inactive licensed professional clinical counselor license shall be eighty seven dollars and fifty cents ($87.50).~~

~~Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4984.7, 4984.8, 4989.44, 4989.68, 4996.3, 4997, 4999.112 and 4999.120, Business and Professions Code.~~

~~§ 1816.7. DELINQUENCY FEES~~

~~(a) The delinquency fee for the licensed marriage and family therapist license shall be sixty five dollars ($65.00).~~

~~(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars ($50.00).~~

~~(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars ($40.00).~~

~~(d) The delinquency fee for the licensed professional clinical counselor license shall be eighty seven dollars and fifty cents ($87.50).~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 163.5, 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.~~

Attachment C: Licensed Marriage and Family Therapist Fee Comparison

Fee	California		Arizona	Florida	Washington [2]	Oregon	New York	Texas	Massachusetts [5]
	Current Fee	Proposed Fee							
Application for Licensure	$100	$250	$250	$100	$306 included w/ application fee	$216	$175	n/a	$117
Initial Issuance of License	$130	$200	$100	$75		$125	$196	$90	$155
License Renewal	$130 biennially	$200 bienially	$325 biennially	$120 biennially	$196 annually	$167 annually	$241 every 3 years [3]	$136 biennially	$155 biennially
Registration Application	$75	$150	$350	$150	$81	$216	$70 [4]	$137	n/a
Registration Renewal	$75 annually	$150 annually	$325 biennially	n/a [1]	$66 annually	$120 annually	$70 (first registration good for 2 years, renewal is annual thereafter	$136 biennially	n/a

[1] Intern registrations in Florida are good for 5 years and cannot be renewed unless an exam is passed.
[2] Per Washington State Department of Health, Office of Health Professions. All fees include a $16 pass through fee which gives licensees access to the University of Washington HEAL-WA health resources website.
[3] Includes a $45 continuing education fee and a $196 registration fee.
[4] Fee is for a limited permit, which allows practice in specific sites while the individual is working toward full licensure. They are valid for two years, and then may be renewed annually for two additional years.
[5] Massachusetts does not register those gaining experience toward licensure.

Attachment D: Licensed Clinical Social Worker Fee Comparison

Fee	California		Arizona	Florida	Washington [2]	Oregon	New York	Texas
	Current Fee	Proposed Fee						
Application for Licensure	$100	$250	$250	$100	$116	$460	$115	$111
Initial Issuance of License	$100	$200	$100	$75	$100	n/a	$179	n/a
License Renewal	$100 bienially	$200 bienially	$325 biennially	$120 biennially	$116 annually	$286 biennially	$224 every 3 years [3]	$106 biennially
Registration Application	$75	$150	$350	$150	$51	$260	$70 [4]	$91
Registration Renewal	$75 annually	$150 annually	$325 biennially	n/a [1]	$41 annually	$66 annually	n/a	$86 biennially

[1] Intern registrations in Florida are good for 5 years and cannot be renewed unless an exam is passed.
[2] Per Washington State Department of Health, Office of Health Professions. All fees include a $16 pass through fee which gives licensees access to the University of Washington HEAL-WA health resources website.
[3] Includes a $45 continuing education fee and a $179 registration fee.
[4] Fee is for a limited permit, which is good for one year and is not renewable.

Attachment E: Licensed Professional Clinical Counselor Fee Comparison

Fee	California		Arizona	Florida	Washington [2]	Oregon	New York [3]	Texas	Massachusetts [5]
	Current Fee	Proposed Fee							
Application for Licensure	$180	$250	$250	$100	$111	$216	$175	$200	$117
Initial Issuance of License	$200	$200	$100	$75	$80	$125	$196	n/a	$155
License Renewal	$175 bienially	$200 biennially	$325 biennially	$120 biennially	$106 annually	$167 annually	$241 every 3 years	$106 biennially	$155 biennially
Registration Application	$100	$150	$350	$150	$35	$216	$70 [4]	$200	n/a
Registration Renewal	$100 annually	$150 annually	$325 biennially	n/a [1]	$25 annually	$120 annually	$70 (first registration good for 2 years, renewal is annual thereafter	Valid for 5 years	n/a

[1] Intern registrations in Florida are good for 5 years and cannot be renewed unless an exam is passed.
[2] Per Washington State Department of Health, Office of Health Professions. All fees include a $16 pass through fee which gives licensees access to the University of Washington HEAL-WA health resources website. Fees shown are for Mental Health Counselor Licensure.
[3] Fees shown are for a Mental Health Counselor License. License Renewal Fee Includes a $45 continuing education fee and a $196 registration fee.
[4] Fee is for a limited permit, which allows practice in specific sites while the individual is working toward full licensure. They are valid for two years, and then may be renewed annually for two additional years.
[5] Massachusetts does not register those gaining experience toward licensure.

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CPS HR CONSULTING

April 24, 2019

FINAL REPORT

Board of Behavioral Sciences: Performance and Fee Review

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Your Path to Performance

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About CPS HR Consulting

CPS HR is an innovative, client-centered human resources and management consulting firm specializing in solving the unique problems and challenges faced by government and non-profit agencies. As a self-supporting public agency, we understand the needs of public sector clients and have served as a trusted advisor to our clients for more than 25 years. The distinctive mission of CPS HR is to transform human resource management in the public sector.

CPS HR offers clients a comprehensive range of competitively priced services, all of which can be customized to meet your organization's specific needs. We are committed to supporting and developing strategic organizational leadership and human resource management in the public sector. We offer expertise in the areas of classification and compensation, organizational strategy, recruitment and selection, and training and development.

CPS HR occupies a unique position among its competitors in the field of government consulting; as a Joint Powers Authority (JPA), whose charter mandates that we serve only public sector clients, we actively serve all government sectors including Federal, State, Local, Special Districts and Non-Profit Organizations. This singular position provides CPS HR with a systemic and extensive understanding of how each government sector is inter-connected to each other and to their communities. That understanding, combined with our knowledge of public and private sector best practices, translates into meaningful and practical solutions for our clients' operational and business needs.

With more than 80 full-time employees as well as 200+ project consultants and technical experts nationwide, CPS HR delivers breakthrough solutions that transform public sector organizations to positively impact the communities they serve.

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Executive Summary

The Board of Behavioral Sciences is one of 40 regulatory agencies within the Department of Consumer Affairs. The mission of the Board of Behavioral Sciences is to protect and serve Californians by setting, communicating, and enforcing standards for safe and competent mental health practice. The Board's vision is to ensure that Californians are able to access the highest-quality mental health services. To achieve this, the Board is responsible for licensing, examination, and enforcement of professional standards for: licensed Marriage and Family Therapists (LMFT) and Associates (AMFT); Licensed Clinical Social Workers (LCSW) and Associates (ACSW); Licensed Professional Clinical Counselors (LPCC) and Associates (APCC) and Licensed Educational Psychologists (LEP).

A specific function of the Board is to review/set fees levied on applicants for initial and renewal licensure, registrations and exam fees. The fees are intended to be sufficient to cover the cost of the Board's regulatory services. In August 2018, the Board engaged CPS HR Consulting (CPS) to provide performance auditing and consulting services to review Board performance and the structure for 25 of the fees collected by the Board.

Summary of Findings and Recommendations

Based on the review, CPS HR found the following. The information is covered in detail in the body of the report.

- The Board has grown steadily since FY 2014/15. In FY 2014/15, the Board was authorized 48.2 permanent positions and 1.8 blanket positions for a total of 50 positions. As of July 1, 2018, the Board has 58.2 authorized positions and 1.8 blanket positions for a total of 60 positions, a 20% increase. The DCA Budget Office uses an average of 1,776 available hours per PY each fiscal year for workload budget projections. Employees are paid for 2,080 hours per fiscal year.
- In October 2013, the Board implemented DCA's BreEZe online licensing and enforcement system which offers one-stop shopping for BBS licensees, applicants and consumers. The Board incurred significant costs to implement BreEZe.
- Revenue associated with the 25 fees under examination has increased 39.3% from FY 14-15 through FY 2017-2018.
- On average, BBS Operating Expenses & Equipment costs constitute 58.1% of total expenses and Personnel Services constitute 41.9%.
- Overall revenue has not kept up with expenditures since FY 16-17.
- Beginning in FY 2020-21 and moving forward, revenue and expense projections indicate that BBS will have insufficient revenue to cover operational costs and maintain an acceptable 3 to 6-month fund reserve.
- Fees associated with the LMFT, LCSW and LEP licenses have not increased in at least 20 years. The LPCC program was established in FY 2011-12 and the fees have not increased since.

As a result of the above findings, CPS recommends the following:

- After consultation with the DCA Budget Office and its registrant and licensee client populations, the Board should charge for select scheduled and unscheduled services based on a fully absorbed cost rate of $120 per hour. Services should be charged, and fees set, to the extent possible, based on the actual time the Board uses to provide the service.
- BBS management should develop, approve and implement or introduce legislation to revise the fee schedule as soon as possible, and inform current and prospective licensees of the changes.
- In lieu of a lengthy legislative process to change future license fees, CPS HR recommends that the Board, in obtaining legislative approval for fee increases also set a statutory maximum higher than the fees currently needed to restore the fund to a satisfactory reserve. By enabling this administrative strategy now, the Board would have flexibility in setting fees in the future to ensure adequate fund reserves as revenues decline or expenses increase.

Introduction

The Board of Behavioral Sciences is one of 40 regulatory agencies within the Department of Consumer Affairs. The mission of the Board of Behavioral Sciences is to protect and serve Californians by setting, communicating, and enforcing standards for safe and competent mental health practice. The Board's vision is to ensure that Californians are able to access the highest-quality mental health services. To achieve this, the Board is responsible for licensing, examination, and enforcement of professional standards for: licensed Marriage and Family Therapists (LMFT) and Associates (AMFT); Licensed Clinical Social Workers (LCSW) and Associates (ACSW); Licensed Professional Clinical Counselors (LPCC) and Associates (APCC) and Licensed Educational Psychologists (LEP). The Board's statutes and regulations set forth the requirements for registration and licensure and provide the Board authority to discipline a registration or license. The Board's operations are funded by fees charged to its applicants and licensees. The purpose of this study is to review the Board's fee structure to determine whether current fees are adequate to support the Board's licensing activities through the next three to five years. If CPS HR determines that the fees are not adequate for this purpose, CPS HR is to recommend a methodology and basis to determine appropriate fees.

BACKGROUND

Board History, Composition and Governance Structure

In 1945, the legislature created the Board of Social Work Examiners, making California the first state to register social workers. The legislation created a seven-member board to represent both consumers and the profession. At least two of the members were required to be "lay persons". All Board members were appointed by the Governor. During the first sixteen months of its existence, the Board registered 4,098 social workers. The intent of the registration was to identify competent professionals who were working for higher standards and services to the public.

In 1963, the Marriage, Family and Child Counselor Act gave the Board of Social Work Examiners responsibility for licensing and regulating Marriage, Family and Child Counselors. Now known as Licensed Marriage and Family Therapists (LMFT). Shortly afterward the Board was renamed the Social Worker and Marriage Counselor Qualifications Board.

In 1969, the legislature added Clinical Social workers (LCSW) to the list of required licensees and in 1970, they added Licensed Educational Psychologists (LEP). As a result, the Board's name was changed to the Board of Behavioral Sciences Examiners. In 1997, the Board's name was changed to the current title, Board of Behavioral Sciences (BBS). In 2010, the legislature added a fourth mental health profession, Licensed Professional Clinical Counselor (LPCC) to the Board's responsibilities.

The current Board is made up of thirteen board members, six licensees and seven public members. Eleven members are appointed by the Governor and require Senate Confirmation. One public member is appointed by the Speaker of the Assembly and the other public member is appointed by the Senate Rules Committee. The six licensee members are distributed as follows: two (2) LMFT, two (2) LCSW, one (1) LPCC and one (1) LEP.

Applicable Practice Acts

Licensed Marriage and Family Therapist Practice Act

Licensed Marriage and Family Therapists are regulated by Chapter 13 of the California Business and Professions Code. Per Section 4980. The Act indicates that many California families and many individual Californians are experiencing difficulty and distress, and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships. Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society and are our most precious and valuable natural resource. Licensed marriage and family therapists provide a crucial support for the well-being of the people and the State of California. Per Section 4980.02, the practice of marriage and family therapy is a service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and pre-marriage counseling. The application of marriage and family therapy principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships, and the use, application, and integration of the coursework and training required by Sections 4980.36, 4980.37, and 4980.41.

Licensed Educational Psychologist Practice Act

Chapter 13.5 of the Business and Professions Code constitutes the Educational Psychologist Practice Act and regulates the licensing of Educational Psychologists. Section 4989.14 defines the scope of practice as performance of any of the following professional functions pertaining to academic learning processes or the educational system or both: Educational Evaluation; Diagnosis of psychological disorders related to academic learning processes; Administration and interpretation of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors; Consultation with other educators and parents on issues of social development and behavioral and academic difficulties; Conducting psychoeducational assessments for the purposes of identifying special needs; Developing treatment programs and strategies to address problems of adjustment; and Coordinating intervention strategies for management of individual crises.

Clinical Social Worker Practice Act

Chapter 14 of the Business and Professions Code defines Clinical Social Work as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying, and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services;

doing research related to social work; and the use, application, and integration of the coursework and experience required by Sections 4996.2 and 4996.23.

Licensed Professional Clinical Counselor Practice Act

Chapter 16 of the Business and Professions Code defines the scope of Professional Clinical Counselors. It defines professional clinical counseling as the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems, and the use, application, and integration of the coursework and training required by Sections 4999.32 and 4999.33. Professional clinical counseling includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well informed, rational decisions. This new program was initiated in FY 2011-12.

License/Renewal Fees and Fee Change History

The Board's current licensing/ renewal fee schedule collects 59 separate fees, ranging from $20 to $200. This study will audit 25 of these fees. A review of the fee history of the study's target fees indicates that there have been no fee increases in the LMFT, LCSW and LEP fees in at least 20 years. The LPCC program was established in FY 2011-12 and the fees have not increased since.

Beginning July 1, 2018, SB 1188 (Chapter 557, Statutes of 2017) requires that a $20 surcharge be added to all biennial renewal fees for the LMFTs, LCSWs, and LPCCs. This $20 surcharge is collected by the Board for the Mental Health Provider Education Fund. Prior to this a $10 fee was collected for this fund. The 2017 statue raised the fee to $20 and added the LPCC renewal.

Board Functions and Staffing

The Board has grown steadily since FY 2014/15. In FY 2014/15, the Board was authorized 48.2 permanent positions and 1.8 blanket positions for a total of 50 positions. As of July 1, 2018, the Board has 58.2 authorized positions and 1.8 blanket positions for a total of 60 positions, a 20% increase. In FY 14-15, the Board added 4.5 positions to support increased Enforcement workload, and 3 positions (2 ongoing) to address licensing workload increases. Effective July 1, 2016 the Board added 3 positions to address the requirements of SB 704 (Chapter 387) Statutes of 2011 and SB 788, (Chapter 619) Statutes of 2009. This legislation restructured the examination requirements and revised continuing education requirements, increasing workload for the program. The Board also increased a half time fingerprint processing position to address backlogs caused by increasing applications volumes.

In FY 16-17, the Board received 8.5 positions to address increased Licensing and Examination workload. A large part of the increase was attributable to the workload from the LPCC Licensure program which was initiated in FY 2011/2012. The first LPCC students of California schools began graduating in the Spring of 2015 and intern applications and examination applications increased significantly. The Examination Restructure initiated January 1, 2016 also contributed to the need for additional staff. Under the new examination process, all Board registrants and licensees were required to take a Law and Ethics examination within the first year of the program. Ongoing, registrants who are not successful in

the Law and Ethics examination may retake the Law and Ethics Exam every 90 days and must take it at least once a year to renew their registration until they pass the exam. Once they pass the exam, they do not need to take it again.

In FY 18-19, the Board received authority for 1.5 two-year limited term positions to support the Probation program which has experienced increasing numbers of probationers. Frequently, the formal discipline process results in placing the individual on probation with specific terms and conditions for a specified period of time. These positions will monitor the Board's probationers to ensure that the conditions of their probation are met, protecting consumers.

The Board's Executive Officer is an exempt position and serves at the pleasure of and reports to the 13-member Board. The 13 Board members are appointed by the governor (11), who are subject to Senate confirmation, the Senate (1) and the Assembly (1). The Board consists of seven public members; two LMFT members; two LCSW members; one LPCC member; and one LEP member.

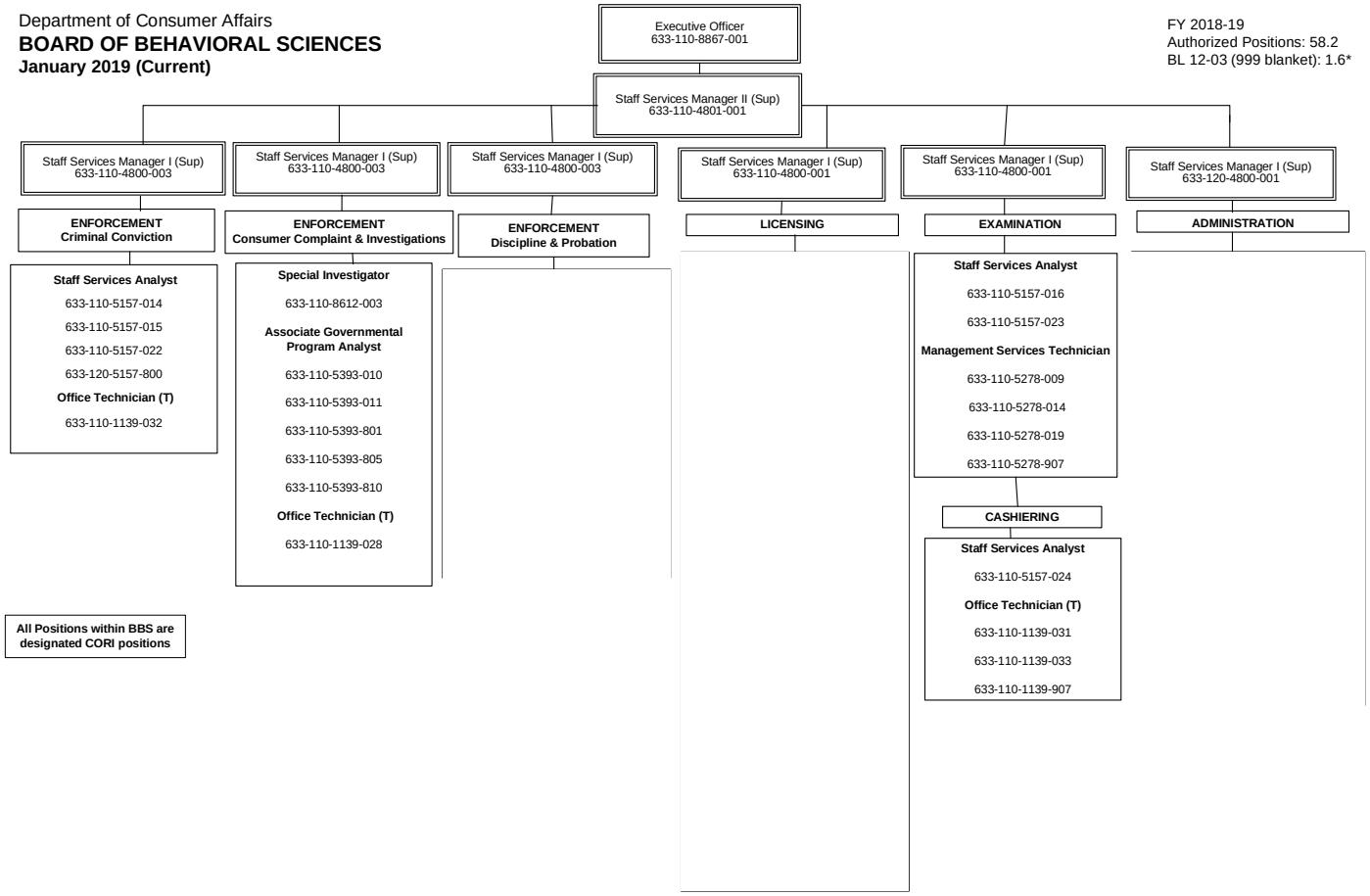
The Executive Officer (EO) functions as operations officer for the Board and manages the Board's resources and staff. The EO oversees the 60 Board positions, directly supervising an Assistant Executive Officer (SSM II) and six-unit managers (SSMIs). The staff are divided among the Criminal Conviction, Consumer Complaint and Investigations, and Discipline and Probation Units in the Enforcement Program and the Licensing, Examination/Cashiering, and Administration Units.

The Board's primary civil service classes include:

- Staff Services Manager (SSM) I and II
- Associate Governmental Program Analyst (AGPA)
- Staff Services Analyst (SSA)
- Special investigator (SI)
- Management Services Technician (MST)
- Office Technician (Typing)(OT) (T)
- Office Technician (General) (OT) (G)
- Office Assistant (Typing) (OA) (T)
- Office Assistant (General) (OA) (G)

The Boards organization chart was effective January 2019

Figure 1
Board of Behavioral Services
Organizational Chart, Effective January 2019



Scope, Objectives, and Methodology

The scope of this engagement focused on a review of the Board's fee structure and staff workload to determine if fee levels are appropriate for the recovery of the actual cost of conducting its programs for the Marriage and Family Therapists (LMFT) and Associates (AMFT), Licensed Clinical Social Workers (LCSW) and Associates (ACSW), Licensed Professional Clinical Counselors (LPCC) and Associates (APCC), and Licensed Educational Psychologists(LEP). This includes the 25 fees listed in Table 1 below and the following objectives:

- Assess and correlate the workload for approximately 60 Board employees to determine an hourly or unit cost to support licensing, renewal, and enforcement activities.
- Analyze all fees and other revenues collected by the Board to determine if fee levels are sufficient for the recovery of the actual cost of conducting its programs.
- Based on the financial analysis, project fees/revenues and related costs for the next three to five fiscal years.
- Determine a cost basis to assess other services provided by the Board when a separate fee is not provided, if any.

The CPS HR methodology included:

- An onsite kickoff meeting
- Offsite document review of pertinent practice acts, the 2015 Sunset Review, fee schedule, online forms, multi-year financial information covering revenues and expenditures for four fiscal years, FY 14-15 through FY 17-18, the Board's organization chart, and current staff duty statements.
- Reviewed current business process flowcharts.
- Reviewed and applied staff workload time assumptions, regarding the processing of initial and renewal paper and online licensing and examination applications.
- Observed and sampled licensing and disciplinary/enforcement work performed to confirm the completeness and accuracy of Board staff duty statements and workload processing time assumptions.
- Analyzed revenues and expenditures for four fiscal years FY 14-15 through FY 17-18 for fees required to recover expenses.
- Prepared draft and final reports with recommendations for fund condition stabilization.

Table 1
Study Fee Types

	Marriage and Family Therapists (LMFT)		Licensed Clinical Social Worker (LCSW)		Licensed Professional Clinical Counselor (LPCC)		Licensed Educational Psychologist (LEP)	
Fee Type	Current Fee	Statutory Limit	Current Fee	Statutory Limit	Current Fee	Statutory Limit	Current Fee	Statutory Limit
Associate Registration	$75	$75	$75	$75	$100	$150		
Associate Renewal	$75	$75	$75	$75	$100	$150		
Application for Licensure	$100	$100	$100	$100	$180	$250	$100	$100
Law and Ethics Exam/Re-exam	$100	$100	$100	$100	$100	$100		
Clinical Exam/Rexam	$100	$100	*	$100	*	$250		
Issuance of Initial License	$130	$180	$100	$155	$200	$250	$80	$150
License Renewal**	$150	$180	$120	$155	$195	$250	$80	$150
Written Exam/ Re-Exam							$100	$100
*These fees are paid by the applicants directly to the exam vendors and are not collected by BBS.								
**This includes the renewal fee and $20 charged for the Mental Health Provider Eduation Fund, except for LEP renewals.								

Study Results

The following presents information about the Board's license types, staff tasks, work process flows, fees and revenue, fund condition and findings and recommendations. Finally, this section presents a fully absorbed hourly rate and license fee revenue projections based on fully absorbed cost to cover future estimated expenses.

LICENSE TYPES

Table 2 displays for Fiscal Years 14-15 through FY 17-18 the number of Licensees/Registrants for each license type. The table shows that the LMFT licensees represent the largest part of Licensee population regulated by the Board of Behavioral Sciences, followed by the LCSW, LPCCs and LEP licensees. Overall, the total number of licensees and registrants regulated by the BBS has grown by 11.2% between FY 14-15 and FY 17-18. This increase is not only due to a growing population, but also to the increase in Health Care coverage from implementation of the Affordable Care Act. However, this overall number disguises some internal trends. Historically and in FY 17-18, Marriage and Family Therapists/Associates represent the largest Licensee population, 44,277 (39.5%) of all licensees and registrants licensed by the Board. These licensees increased by 15.5% over the period reviewed by this study (FY 14-15 through FY17-18). However, the Marriage and Family Therapist Intern population has decreased in each of the last two Fiscal Years, bringing its total population to 17, 176 (15.3%) of the total number of licensees/registrants. This is down from 18.7% in FY 15-16. At 27,773, Licensed Clinical Social Workers (LCSW) are the second largest group regulated by the Board, representing 24.8% of the total licensee/registrant population, and up from 22.7 % at the beginning of the study period. Although small in numbers, the Licensed Professional Clinical Counselor population has grown rapidly as this program instituted in FY 11-12, began seeing the first students graduating in 2015. LPCC Licensees grew by 34.7% from FY 14-15 to FY17-18. The number of LPCC Associates has greatly expanded, increasing by 186.5% over the four-year period and presaging continued significant growth in the number of LPCCs in the near future.

Table 2
Licensees/Registrants by License Types

Licensees/Registrants by License Type	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	% Increase
Marriage and Family Therapist	38,343	40,360	41,901	44,277	15.50%
Marriage and Family Therapist Intern	19,272	19,783	18,829	17,176	-10.90%
Licensed Clinical Social Worker	22,842	24,197	25,734	27,773	12.10%
Associate Social Worker	14,499	15,784	15,865	15,619	7.70%
Licensed Educational Psychologist	2,141	2,195	2,073	2,038	-4.80%
Continuing Education Provider	2,850	-	-	-	
Licensed Professional Clinical Counselor	1,282	1,390	1,536	1,727	34.70%
Licensed Professional Clinical Counselor Intern	1,214	1,940	2,724	3,478	186.50%
Total	102,443	105,649	108,662	112,088	11.20%

HISTORICAL FEE VOLUME ANALYSIS

Table 3 shows the volumes for the 25 fee types under review for Fiscal Years (FYs) 2014-15 through 2017-18. The Associate Registrations and Associate Renewals for LMFTs appear to be declining by -6.2% and -18.6% respectively (see 4 Yr Change column). The Associate Registrations and Associate Renewals for LCSWs appear to be relatively stable at a 1.2% increase and a -4.8% decrease, respectively. However, for both LMFTs and LCSWs, Application for Licensure and the Issuance of Initial License is up significantly (LMFT – Application for Licensure up 11.7%, LCSW – Application for Licensure up 52.7%, LMFT – Issuance of Initial License up 34.9%, LCSW – Issuance of Initial License up 73.1%). In essence, it appears for the LMFTs and LCSWs that there may have been an influx of new Associates who are now receiving their license. In addition, License Renewals for LMFTs and LCSWs have been increasing as well, at 13.5% and 16% respectively, which is indicative of the growing licensee population.

The LPCCs and especially the LEPs have significantly less volume than the LMFTs and LCSWs and are therefore better addressed separately. Their lower volumes therefore also have less implications on the overall revenue picture for BBS. For the LPCCs, while their Issuance of Initial License has declined from 248 in FY 14-15 to 155 in FY 17-18 (a 30.6% drop), their Associate Registration (67.8%), Associate Renewal (196.7%) and Application for Licensure (134.1%) have all increased significantly. The first LPCC students of California schools began graduating in the Spring of 2015 and intern applications and examination applications increased significantly. From a raw volume standpoint, the Application for Licensure, Issuance of Initial License and License Renewals for LEPs appear relatively stable. However, the Written Exam/Re-exam has increased from 133 in FY 14-15 to 171 in FY 17-18, a 48.9% increase.

The table also shows the impact of the examination restructure that went into effect January 1, 2016. This restructure requires registrants to take the Law and Ethics Exam in their first year. They must take it at least once a year until they pass the exam in order to renew their registration or obtain their license. If they are not successful in passing the examination, they can now retake the exam every 90 days, whereas before they could only retake it once every 180 days. For LMFTs, LCSWs and LPCCs the Law and Ethics Exam/Re-exam volumes were the highest in FY 16-17. This disproportionately increased volumes in FY 16-17 above ongoing levels, because it required new applicants to take the exam as well as existing registrants who were not previously required to take an examination prior to the completion of their supervised work experience hours. Note that only the FY 17-18 volumes for the Law and Ethics

Exams were used to make projections about future volumes which are incorporated in the workload assumptions discussed later in the report.

Individuals applying for LMFT, LCSW, and LPCC licenses are all required to take and pass a clinical exam as well. Part of the way through FY 14-15 the clinical exam for LCSWs was outsourced to an external vendor, which is why the table displays volume data for only FY 14-15. The clinical exam for LPCCs has always been outsourced to an external vendor which is why volume data are absent for that fee as well. LMFTs, LCSWs and LPCC used to take a written exam, but since they no longer do, that data has been excluded from the analysis. The Law and Ethics exam essentially replaced the written exam for the LMFTs, LCSWs and LPCCs.

Table 3

BBS Fee Type Volumes Summary

FY 2014-15 through 2017-18

Fee Type						
LMFT	**FY 14-15**	**FY 15-16**	**FY16-17**	**FY 17-18**	**4 Yr Avg**	**4 Yr Change**
Associate Registration	4138	3992	3899	3880	3977	-6.2%
Associate Renewal	13450	13904	12184	10948	12622	-18.6%
Application for Licensure	2708	2619	2695	3024	2762	11.7%
Law and Ethics Exam/Re-exam	0	5520	10543	5958		
Clinical Exam/Re-exam	3263	4663	5526	4549	4500	39.4%
Issuance of Initial License	1871	1734	2259	2524	2097	34.9%
License Renewal	14368	14879	15841	16304	15348	13.5%
LCSW						
Associate Registration	3553	3428	3567	3597	3536	1.2%
Associate Renewal	9260	10840	9558	8817	9619	-4.8%
Application for Licensure	1658	1731	2067	2532	1997	52.7%
Law and Ethics Exam/Re-exam	0	4583	8785	5092		
Clinical Exam/Re-exam	1660	*	*	*		
Issuance of Initial License	1107	1132	1828	1916	1496	73.1%
License Renewal	8682	9072	9479	10072	9326	16.0%
LPCC						
Associate (Intern) Registration	655	992	1057	1099	951	67.8%
Associate Renewal	517	960	1265	1534	1069	196.7%
Application for Licensure	138	211	237	323	227	134.1%
Law and Ethics Exam/Re-exam	139	601	1332	996		
Clinical Exam/Re-exam	*	*	*	*		
Issuance of Initial License	248	88	111	172	155	-30.6%
License Renewal	338	688	486	757	567	124.0%
LEP						
Associate Registration						
Associate Renewal						
Application for Licensure	101	123	118	125	117	23.8%
Issuance of Initial License	82	53	58	52	61	-36.6%
License Renewal	606	640	610	627	621	3.5%
Written Exam/Re-exam	133	178	173	151	159	13.5%

Source: BBS Workload and Revenue Reports were used for all volumes except for the Law and Ethics Exam/Re-exam and Clinical Exam/Re-exam for LMFTs, LCSWs and LPCCs, and the LEP Written Exam/Re-exam where BBS Exam Results by School reports were used.

*These fees are paid by the applicants directly to the exam vendors and are not collected by BBS.

License Fees and Revenue

The Board collects approximately 59 fees. The fees range from $20 to $200. The renewal period for licenses is every two years and for registrations its annually, but as noted above since 2016, all of the LMFT, LCSW and LPCC Associates are required to take the Law and Ethics exam at least annually until they pass it. A new practice act for the Licensed Professional Clinical Counselors was added in 2010 and implemented in FY 11-12. Its impact on the Board's licensing workload began in 2015 when the first students began graduating from colleges. Table 4 shows the historical trends for 25 out of the 59 fees that BBS collects. For the majority of fees, the 4-year percent changes are nearly the exact same as in the fee volume table (table 3). Over the four fiscal years studied, these 25 fees constitute on average 90.4% of the total fee scheduled revenue. Of the total fee scheduled revenue collected by BBS, license and associate renewals constitute 54.2%, exams constitute 17.9% and issuance of initial license, application for license, associate registration cumulatively constitute 18.4%. Given the introduction of the Law and Ethics exam in January 2016 described in the historical fee volume analysis section above, only the FY 17-18 revenue could really be considered a typical year moving forward for the reasons mentioned in that section.

Table 4
BBS Fee Type Volumes Summary
FY 2014-15 through 2017-18

License Type							
LMFT	**FY 14-15**	**FY 15-16**	**FY16-17**	**FY 17-18**	**4 Year Avg**	**4 Yr Change**	**% of Total Fee Scheduled Revenue**
Associate Registration	$ 310,350	$ 299,370	$ 292,420	$ 287,975	$ 297,529	-7.2%	3.3%
Associate Renewal	$ 1,008,755	$ 1,042,830	$ 913,805	$ 821,094	$ 946,621	-18.6%	10.6%
Application for Licensure	$ 270,805	$ 261,860	$ 269,530	$ 302,430	$ 276,156	11.7%	3.1%
Law and Ethics Exam/Re-Exam	$ -	$ 552,000	$ 878,529	$ 1,054,250	$ 621,195		6.9%
Clinical Exam/Re-Exam	$ 326,300	$ 277,700	$ 552,625	$ 520,400	$ 419,256	59.5%	4.7%
Issuance of Initial License	$ 243,294	$ 225,439	$ 293,627	$ 328,108	$ 272,617	34.9%	3.0%
License Renewal	$ 1,867,829	$ 1,934,205	$ 2,059,355	$ 2,119,520	$ 1,995,227	13.5%	22.3%
LCSW							
Associate Registration	$ 266,475	$ 257,100	$ 267,495	$ 269,775	$ 265,211	1.2%	3.0%
Associate Renewal	$ 694,525	$ 813,035	$ 716,875	$ 661,275	$ 721,428	-4.8%	8.1%
Application for Licensure	$ 165,849	$ 173,100	$ 206,700	$ 253,200	$ 199,712	52.7%	2.2%
Law and Ethics Exam/Re-exam	$ -	$ 458,300	$ 878,520	$ 509,525	$ 461,586		5.2%
Clinical Exam/Re-Exam	*	*	*	*	*	*	
Issuance of Initial License	$ 110,716	$ 113,215	$ 182,760	$ 191,629	$ 149,580	73.1%	1.7%
License Renewal	$ 868,240	$ 907,160	$ 947,900	$ 1,007,208	$ 932,627	16.0%	10.4%
LPCC							
Associate Registration	$ 65,500	$ 99,150	$ 105,700	$ 109,875	$ 95,056	67.7%	1.1%
Associate Renewal	$ 51,675	$ 95,975	$ 126,500	$ 153,400	$ 106,888	196.9%	1.2%
Application for Licensure	$ 24,780	$ 38,060	$ 42,580	$ 58,140	$ 40,890	134.6%	0.5%
Law and Ethics Exam/Re-Exam	$ 13,900	$ 60,100	$ 133,200	$ 118,100	$ 81,325		0.9%
Clinical Exam/Re-Exam	*	*	*	*	*	*	
Issuance of Initial License	$ 49,574	$ 17,501	$ 22,269	$ 34,496	$ 30,960	-30.4%	0.3%
License Renewal	$ 59,145	$ 120,400	$ 85,050	$ 132,470	$ 99,266	124.0%	1.1%
LEP							
Associate (Intern) Registration							0.0%
Associate Renewal							0.0%
Application for Licensure	$ 10,100	$ 12,300	$ 11,800	$ 12,500	$ 11,675	23.8%	0.1%
Issuance of Initial License	$ 6,523	$ 4,256	$ 4,600	$ 4,158	$ 4,884	-36.3%	0.1%
License Renewal	$ 48,475	$ 51,160	$ 48,760	$ 50,160	$ 49,639	3.5%	0.6%
Written Exam/Re-Exam	$ 13,300	$ 17,800	$ 17,300	$ 19,800	$ 17,050	48.9%	0.2%
Selected Fee Totals	**$ 6,476,109**	**$ 7,832,016**	**$ 9,057,900**	**$ 9,019,488**	**$ 8,096,378**	39.3%	90.4%
Total Fee Scheduled Revenue	**$ 7,863,000**	**$ 8,907,000**	**$ 9,786,000**	**$ 9,259,000**	**$ 8,954,000**	17.8%	100.0%
Selected Fee Totals/Total Fee Scheduled Revenue	**82.4%**	**87.9%**	**92.6%**	**97.4%**	**90.4%**		

Source: Individual fee revenue obtained from FM 13 reports; total fee scheduled revenue obtained from BBS Fund Condition

STAFF TASKS AND WORKLOAD BREAKDOWN –

As shown in the organization chart (figure 1), the Board's staffing and workload are broken into leadership and six functional program units: Licensing, Examination and Cashiering, the three subprograms that make up Enforcement: Criminal Convictions, Consumer Complaints and Investigations, and Discipline and Probation, and Administration. The following task/workload discussion is based on the incumbents' current duty statements. CPS HR validated workload tasks and

processing assumptions through observation and interviews. In some cases, multiple staff in the same or similar classifications perform the same duties.

CPS HR found that in each unit BBS staff have current written standard operating procedures.

In addition, applicants and licensees have access to a variety of guides, reference documents, forms and instructions on the Board's Website (www.bbs.ca.gov).

The Executive Officer (EO), and exempt position, under the general direction of the 13-member Board, interprets and implements the Board's policies and actions and develops and manages the Board's $11.5 million annual budget to ensure appropriate allocation of resources and maintain fund solvency. The EO oversees all licensing and enforcement activities, including investigations and administrative actions. The EO advises the Attorney General's Office and Hearing Officers on Board discipline guidelines. The EO is responsible for administering Board meetings, and is the Board spokesperson to the legislature, professional organizations and the public. The EO develops proposed legislation and, develops, implements and administers Board regulations.

The Assistant Executive Officer (AEO), a Staff Services Manager II, works under the direction of the EO and is responsible for planning, organizing, directing and administering the day to day activities of the Board of Behavioral Sciences. The Assistant EO directly supervises 6 subordinate managers and their respective programs: licensing, examination, administration, and the three subprograms within enforcement: Criminal Convictions, Consumer Complaints and Investigations, and Discipline and Probation. The AEO provides consulting and high level expertise to the EO and the 13 Member Board on complex policy and program issues. The AEO manages sensitive communications, including with the media, Governor's office, legislature and control agencies. In the absence of the EO, functions as chief executive.

Licensing Unit

The Licensing Unit is responsible for licensing and registering the Board's four (4) license types; Licensed Marriage and Family Therapists (LMFT), Licensed Clinical Social Workers (LCSW), Licensed Professional Clinical Counselors (LPCC) and Licensed Educational Psychologist (LEPs) and their associated registrants. The unit consists of 18 positions: Staff Services Manager I (SSMI) (1); Associate Governmental Program Analyst (AGPA) (1); Staff Services Analysts (SSAs) (5); Management Services Technicians (MSTs) (9); and Office Technicians (Typing)(OT) (T) (2).

Staff Services Manager I (SSMI)

The Staff Services Manager I is responsible for the day-to-day operations of the Licensing Unit. The SSM I is the recognized authority for the Licensing Program and as such formulates, recommends, analyzes and implements legislation, regulations, policies and procedures for the licensing program. The SSMI provides guidance and insight to Board staff and the public concerning the Board's four (4) license types; LMFT, LCSW, LPCC and LEP and their specific practice acts. The SSMI makes recommendations on complex and sensitive issues in the Licensing Unit, monitors workload, identifies backlogs and develops solutions. The SSMI investigates the more complex and sensitive complaints and responds to inquiries on statutory and regulatory provisions, licensure requirements and departmental policies and procedures.

Associate Governmental Program Analyst (AGPA)

The Associate Governmental Program Analyst is the personnel liaison between the Board and the department's Office of Human Resources (OHR) concerning personnel matters and advises executive and management staff on personnel issues. The AGPA prepares personnel documents for submission to and approval by OHR, develops duty statements for all Board positions, and creates and maintains organizational charts. The AGPA also maintains attendance and personnel files for Board staff and monitors vacancies. The AGPA researches and analyzes personnel issues, working with the OHR to effect appropriate resolution. The AGPA is the statistical analyst for the Board, producing productivity reports that provide program data for the Board Members and Executive staff on the Board's Licensing, Examination and Cashiering and Enforcement Units. The AGPA also performs various program analyses and creates statistical reports to support program management. The AGPA is responsible for analyzing new laws and consulting with DCAs Senior Staff Counsel, the Board's Executive Staff, unit managers and professional associations to design forms to meet statutory requirements. The AGPA also evaluates and makes recommendations for revision of existing licensing forms to meet the Board's ongoing requirements and to ensure that forms posted on the Board's website are accessible and in compliance with the Americans with Disabilities Act.

Staff Services Analysts (SSAs)

Two Staff Services Analysts act as resource lead analysts, performing the final review and analyzing applications to ensure the applicant has met the statutory and regulatory requirements, education, intern hours and clinical experience requirements and that there are no pending enforcement issues to qualify for licensure. They assist first level reviewers and clerical staff with licensing issues. They maintain a working knowledge of various laws, rules and regulations specific to licensing and provide interpretation to staff and act as an expert resource for Board Management. These two SSAs also conduct educational outreach with faculty and staff at accredited universities and colleges. They work with professional associations to ensure Board participation at professional events. They develop and present information on the BBS licensing process to graduate students, pre-licensed registrants and licensees. They are responsible for developing an Evaluator Training Program for each licensure type, including writing procedures, developing training materials and maintaining the Licensing Unit procedure training manuals. They review licensing procedures to identify areas that could benefit from improved or streamlined processes and develop alternative to improve these processes.

The third Staff Services Analyst is responsible for preparing statistical reports of Licensing Processing Times and Licensing Performance Measures and presenting results to the Licensing Manager and Executive staff. This position represents Licensing at the BreEze Reports Users Group and the Licensing Users Group meetings. Also, this SSA works with the BreEZe team on Licensing Performance Measures. This SSA also conducts audits to determine if a licensee is in compliance with the Board's Continuing Education (CE) requirements. The SSA prepares audit letters and maintains an audit tracking system to ensure deficiencies have been corrected. The SSA refers non-complaint CE audits and licensees who fail the CE audit to the Board's Consumer Complaint and Investigations Unit for issuance of a citation and fine.

The remaining two Staff Services Analysts are responsible for the analysis of material involved in the Licensure of Licensed Clinical Counselors who graduate from clinical counseling programs. The SSAs review and evaluate all applications for professional clinical counselor intern registrations. This includes

applications from individuals whose education and experience in other states and countries do not qualify under standard criteria used for applicants from within California. The SSAs review the submitted course descriptions and syllabi from these academic clinical counseling programs and determine whether the course work meets the requirements for registration. They validate the documentation submitted. Where there are deficiencies in the material submitted, they determine whether to issue an intern registration based on fulfillment of the education requirements and prepare a deficiency letter to the applicant identifying the deficient areas of the application and review the additional documents submitted in response to the deficiency letter. They ascertain if the applicant has prior convictions that may be a basis for application denial and referral to the Board's Enforcement Unit for further investigation. The two SSAs also develop detailed procedures for all licensure programs to evaluate education gained in degree programs not previously evaluated by the Board to determine whether they meet the statutory curriculum requirements. They gather documentation such as applicant transcripts and course catalogs from clinical counseling advanced degree programs and make recommendations to colleges and universities on changes necessary to ensure compliance with core curriculum to meet the Board's statutory and regulatory requirements. They also work with faculty and staff at accredited universities and colleges to facilitate outreach events and presentations and with professional associations to ensure Board participation at their events. They develop and present information on the BBS licensing process to graduate-level students, pre-licensed registrants and licensees.

Management Services Technician (MST)

One Management Services Technician is responsible for evaluating Marriage and Family Therapist Intern applications and supporting documentation to determine the applicant's eligibility for IMF registration. The MST reviews and evaluates course descriptions and syllabi from Marriage and Family Therapist graduate school programs to determine if the coursework is equivalent and meets statutory and regulatory requirements for licensure. The MST evaluates transcripts and other documents, including for out-of-state and out-of-country degrees to determine if the required educational requirements have been met. The MST enters applicant data into BreEZe and determines whether the applications are complete and comply with all educational requirements and notifies applicants of any deficiencies. The MST follows up on the deficient applications to determine whether they have been "abandoned". If so, the MST withdraws the application and updates BreEZe. The MST identifies prior convictions that may be a basis for registration denial and referral to the Board's Enforcement Unit. The MST is the Board's school liaison and reviews new schools and degree programs for compliance with statutes and regulations. The MST proposes curriculum changes to school programs, if appropriate. The MST reviews existing school programs to ensure they continue in compliance and maintain their accreditation or approval and verifies the regional accreditation credentials of the graduate schools. The MST responds to applicant inquiries regarding the MFT licensure process, requirements and how to complete the various required forms.

There are eight Management Services Technician positions that review and evaluate licensure applications, assess the applicant's pre-degree practicum and post degree clinical experience and verify the total supervised hours per licensee. They analyze the validity of the supporting documentation to determine whether the education and experience requirements have been met. They identify deficiencies and prepare a letter to the applicant identifying specific issues with the application or other supporting documents. They evaluate the licensee applicant experience verification forms and confirm

that the applicant meets the required supervisions hours in all therapeutic categories. They make the final determination of the application and whether the applicant is eligible to enter the exam process. They ascertain if the applicant has prior convictions that may be a basis for application denial and referral to the Board's Enforcement Unit for further investigation. They follow up by reviewing the documents submitted in response to the deficiency letter and determine whether to clear the deficiency, determine that the applicant has "abandoned" the application, or generate an additional letter requesting information on the continued deficiencies. The MSTs respond to applicant inquiries regarding application status, the licensure process, licensing requirements, and completion of the various forms.

Office Technicians (Typing) (OT) (T)

There are two Office Technicians (Typing) who provide support to the licensing MSTs by keying and updating licensing information in BreEZe and preparing and mailing out approval letters. The OTs (T) verify supervisors to ensure that the applicant's hours of experience are acquired under a licensed supervisor. The OTs (T) prepare correspondence responding to inquiries from supervisors, professional organizations, other governmental agencies or licensure applicants. They are also responsible for creating new files and preparing and coordinating the transfer of the archived files to the State Record Center for storage.

Examinations and Cashiering Unit

The Examinations and Cashiering Unit is responsible for developing, administering, evaluating accommodations requests and investigating complaints for the examinations administered through the Board of Behavioral Sciences and for the cashiering of fees paid for licensing and renewal applications as well as payments for citations and fines and enforcement cost recovery fees paid by licensees and registrants. The Unit consists of 10 positions: one Staff Services Manager I (SSMI); the examination team which consists of six staff, two Staff Services Analysts (SSAs) and four Management Services Technicians (MST); and the cashiering team which consists of three staff, one Staff Services Analyst (SSA) and three Office Technicians (Typing) (OT) (T).

Staff Services Manager I (SSMI)

Under the direction of the Executive Officer (EO) and the Assistant Executive Officer (AEO) the Staff Services Manager I over the Examination and Cashiering Unit oversees, monitors and maintains the examination and cashiering units. The SSMI directs the day-to-day activities of the Examination and Cashiering Units and acts as the recognized authority for the Examination Program. As such, the SSMI formulates, recommends, analyzes and implements legislation, regulations, policies and procedures, and reviews and approves all versions of Board developed examinations. The SSMI represents the Board with professional examination entities, including the Office of Professional Examination Services (OPES), the Association of Social Work Boards (ASWB), and the National Board for Certified Counselors. The SSMI makes recommendations on complex and sensitive issues in the Examination and Cashiering Unit, monitors workload, identifies backlogs and develops solutions. The SSMI also investigates client complaints, responds to inquiries about licensure requirements, departmental policies and procedures, and statutory and regulatory provisions. The SSMI is also responsible for ensuring that all cashiering functions are accurate and adhere to the State Administrative Manual (SAM) and Department of Consumer Affairs (DCA) cashiering policies and procedures.

Examination Team

Staff Services Analysts (SSAs)

Two Staff Services Analysts perform examination development, administration, complaint and contract analysis duties for the Examination Unit. The two SSAs are liaisons to the Office of Professional Examination Services (OPES) regarding examination development workshops and the selection of Subject Matter Experts (SME). They proofread new versions of exams and oversee the implementation of the exams. They assist OPES in conducting occupational analyses for all Board license types. They recruit new and existing SMEs from all license types to participate in examination development workshops. They develop and maintain SME information in BreEZe. They evaluate applications submitted by potential SMEs and determine whether the applicant should be approved by the Board. The SSAs prepare materials for exam workshops and assist OPES research analysts and participants. The SSAs also verify applicant clinical exam eligibility. They are the Board liaison for the National Exams given by the AWSB and NBCC and gather exam statistics for management. They research complaints regarding examination administration, testing sites, candidate concerns and accommodations. The SSAs recommend an appropriate response to the complaint and prepare the written response to the candidate and document it in the Board's database.

Management Services Technicians (MSTs)

There are two Management Services Technicians responsible for evaluating testing accommodation requests for compliance with the guidelines for Title II of the Americans with Disabilities Act (ADA). They determine whether the accommodation requested is appropriate for the candidate's needs. They review the supporting medical documentation and verify the medical professional's license. They communicate with the candidates regarding their accommodation request, the accommodation process, examination requirements and completion of the appropriate forms. They may request additional documentation or information regarding the testing accommodation requested. They correspond with the candidates notifying them of the accommodation approval and the specific accommodation granted. The SSAs review special accommodation candidate applications to retake the exam and identify whether any changes to the existing accommodation are needed. They update the candidates' BreEZe file with the testing accommodation outcome. They also investigate and resolve special accommodation candidate's complaints/concerns regarding the testing facility's failure to provide the approved testing accommodation. The MSTs generate a monthly testing accommodation report and statistics. They review and approve the examination testing vendor's invoices for payment. They identify, investigate and resolve discrepancies regarding the fees charged candidates, including accommodation fees. The MSTs also assist in hand scoring the examination, when the examination candidate requests hand scoring.

Cashiering Team

Staff Services Analyst (SSA)

The Cashiering Team SSA acts as a Business Process Analyst. The SSA reviews and documents cashiering business processes and makes recommendations to support and improve those processes. The SSA develops cashiering and functional technical specifications and provides assistance in designing, developing and implementing cashiering business process changes in BreEZe. The SSA develops new or

revises existing cashiering policies to streamline processes and improve efficiency. The position reviews and reports potential cashiering defects, prepares complete documentation of the cashiering defects and participates in meetings with the DCA Central Cashiering Unit and BreEZe team staff to resolve issues. The SSA develops and updates the Board's BreEze training and procedure manual. The SSA also assists staff with cashiering issues and provides direction to resolve them and personally handles the most complex issues. The SSA also reviews cashiering data error reports and corrects records in BreEZe and writes and tests cashiering scripts to test business requirements and cashiering designs. The SSA is also responsible for developing a Cashiering BreEZe Training Program and writes procedures and develops material for training new users.

Office Technicians (Typing) (OT) (T)

The three Cashiering Team OTs (T) are responsible for cashiering the Board's licensing and renewal applications by entering the cashiering data into BreEZe. They process requests for replacement licenses, license certificates, citations and fines, cost recovery payments and name and address changes and update the information in BreEze. They also process reimbursement of dishonored checks, refunds and revenue transfers. The OTs (T) respond to cashiering inquiries regarding the renewal process, submission of insufficient fees and dishonored checks.

Criminal Conviction Unit

The unit is responsible for investigating all criminal convictions for existing licensees and registrants and works with the Attorney General's Office to ensure timely resolution to criminal conviction cases. The unit consists of seven employees; an SSM I (1), SSAs (4) and Office Technicians (Typing) (OT) (T)(2).

Staff Services Manager I

Under the direction of the Executive Officer and Assistant Executive Officer, the Staff Services Manager I is responsible for supervising the Criminal Conviction Unit. The SSMI reviews and approves investigation reports and recommends approval or denial of applicants with criminal conviction history for licensure/registration. The SSMI initiates action to immediately suspend licensee or registrant from practice upon notification of an arrest involving significant public harm under the provisions of PC 23 (Penal Code). Works with the Division of Investigation(DOI) within DCA, local District Attorney Offices and with the Office of the Attorney General. The SSMI is the recognized authority for the Criminal Conviction Unit, and formulates, recommends, analyzes and implements legislation, regulations, policies and procedures. The SSMI also represents the Board at statewide hearings, enforcement meetings and task forces, as required.

Staff Services Analysts

The Criminal Conviction Unit has four Staff Services Analysts. Three of the SSAs are responsible for conducting Applicant Background Investigations. They analyze Criminal Offender Record Information (CORI) (rapsheets) received from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to determine if the applicant can be approved for licensure, registration or renewal in compliance with the Board's Statutes and regulations. The SSAs review and evaluate the applicant's prior conviction history and/or prior disciplinary history relating to a professional license held in California or other states. They request additional information from the applicant, and contact local law

enforcement agencies and courts to obtain a certified copy of arrest and/or other court documents. They maintain and update the case record in the BreEZe system.

Two of these Staff Services Analysts also prepare disciplinary cases and settlement terms for review and approval by the Assistant Executive Officer and Executive Officer for referral to the Office of the Attorney General and provide testimony at administrative hearings.

The other two Staff Services Analysts are responsible for reviewing Subsequent Arrest Notifications (subraps) to determine possible violation of the Board's statutes and regulations. They request additional documents, review and analyze the arrest reports/court documents and information from the registrants/licensees to determine if the case should be referred to the Office of the Attorney General (AG) for possible disciplinary action. They present recommendations to the SSMI, EO and AEO regarding case disposition and settlement terms. They respond to inquiries from the Deputy Attorney Generals and testify at administrative hearings. They review cases referred by the Licensing Unit to determine whether the convictions disclosed on the Licensure Exam Eligibility Applications have been previously reviewed by the Enforcement Unit and determine if a new enforcement case should be opened. They prepare citations for failure to disclose conviction(s) and for minor violations convictions cases.

One of these Staff Services Analysts is also the Public Disclosure Coordinator. This SSA is responsible for preparing accusations, PC 23 orders, Petitions to Revoke Probation, citations, Final Decisions and other court documents for public disclosure on the Board's website. This SSA also updates BreEZe to ensure all appropriate information has been entered and updated and conducts a final review of the Board's disciplinary file before closure to ensure that all required steps are completed.

Office Technician (Typing) (OT)(T)

The two Office Technicians (Typing) provide clerical support to the unit and are the Board's liaison to the DOJ to assist in processing fingerprint submissions to obtain CORI information. The OTs (T) enter CORI information into the BreEZe system. They process hard copy fingerprint cards by mailing them to applicants, reviewing the returned cards for accuracy and completeness, and they batch the fingerprint cards for transmission to DOJ. They research unmatched fingerprint submissions. They respond to inquiries from applicants, Live Scan operators and Board staff regarding Live Scan/Fingerprint processes, status and other related questions.

The OTs (T) also conduct the initial review of subsequent arrest notifications, subsequent dispositions, CORI and applicant reported convictions to determine if a case needs to be opened. If so, they create new case records in BreEZe, set up a case file and assign to an Enforcement Analysts.

Consumer Complaint and Investigations Unit

The Consumer Complaint and Investigations Unit is responsible for reviewing, investigating and determining whether complaints against licensees/registrants/applicants should be pursued for prosecution, disciplinary action, citation, and fine. The unit recommends case disposition and as needed settlement terms. The unit consists of 8 employees: Staff Services Manager I (SSMI)(1), Special Investigator(1), Associate Governmental Program Analyst s (AGPA) (5) and Office Technician (OT) (1).

Staff Services Manager I (SSMI)

Under the direction of the Executive Officer and the Assistant Executive Officer, the Staff Services Manager I is responsible for directing the Consumer Complaint & Investigations Unit of the BBS Enforcement Program. The SSM I reviews and approves investigation reports, citations, petitions, accusations, statements of issues, proposed decisions and stipulated settlement agreements. The SSMI works with the Division of Investigations, and Office of the Attorney General in interpreting the BBS's laws, regulations and disciplinary guidelines and the direction or handling of each disciplinary case. The position monitors case status and assists the Deputy Attorney General s (DAGs) with preparation of technical language and makes recommendations for case disposition. The SSMI testifies at administrative hearings. The position formulates, recommends, analyzes and implements legislation, regulations, policies and procedures.

Special Investigator (SI)

The Special Investigator conducts diverse administrative investigations of professional licensees and registrants for alleged violations and pursues cases for prosecution or hearing. The SI plans and conducts investigations into allegations of unprofessional conduct against licensees, registrants and applicants. The SI conducts face-to-face field interviews with complainants, licensees/registrants and witnesses. The SI identifies, gathers assembles and preserves statements, affidavits and other evidence, and prepares and serves subpoenas and other legal papers. The SI also interacts with federal, state and local law enforcement agencies on investigations and advises and makes recommendations to the EO, AEO and SSM I regarding case disposition. The SI prepares detailed investigation reports, including documented evidence, witness statements and other information to ensure that the findings are fully supported by the facts and evidence. The SI also assists with probation case monitoring by conducting interviews with probationers and examining a variety of records to obtain or verify compliance with the probationary order. The SI also confers with and assists the DAGs in preparing cases for administrative hearings.

Associate Governmental Program Analysts (AGPAs)

The five Associate Governmental Program Analysts are responsible for evaluating and investigation incoming consumer complaints. They request, review, evaluate, and analyze a variety of documents, notifications and evidence from consumers, law enforcement agencies, other Boards and licensees to determine whether the evidence supports formal field investigation and whether the case warrants review by the Office of the Attorney General. The AGPAs prepare investigation reports detailing the findings and evidence collected during the investigation and document violations of the law. The AGPAs apply policies, procedures and regulatory requirements to make determinations regarding violations of the law. They use disciplinary guidelines and consider mitigating and aggravating factors to develop recommendations regarding case disposition and the appropriate level of discipline. They also determine merit for issuance of an administrative citation and fine and prepare and issue citation orders. They schedule and participate in informal hearings and coordinate citation appeal cases with the AG's Office. They respond to verbal and written inquiries regarding enforcement matters and represent the Board at administrative appeal hearings.

Office Technician (Typing) (OT)(T)

The Office Technician (Typing) provides clerical support to the Consumer Complaint and Investigations Unit. The OT (T) performs the initial review of customer complaints to determine if a case should be

opened. If so, the OT (T) creates the case record on the BreEZe system and assigns the case to an analyst. The OT (T) answers, screens and refers complaint telephone calls to appropriate Board staff and provides general information regarding the Board's complaint process. The OT (T) maintains hard copy documents and files and updates enforcement records in BreEZe. The OT (T) reviews, logs and distributes mail for the unit and processes investigative reports. The OT (T) also copies and forwards confidential and sensitive documents to analysts, DOI, the AGs Office, Board Members, licensees and other concerned parties.

Discipline and Probation Unit

The Discipline and Probation Unit is responsible for ensuring that the licensees and registrants who have been disciplined and or placed on probation are in full compliance with their probationary terms and conditions. For licensees and/or registrants that are not in full compliance, the unit ensures that all measures are taken to bring them into compliance, including referral to the AGs Office for an Accusation and/or Petition to Revoke Probation. The unit consists of 7.8 positions, one Staff Services Manager I, 4.8 Associate Governmental Program Analysts (AGPA) and two Office Technicians (OT).

Staff Services Manager I

Under the direction of the Executive Officer and the Assistant Executive Officer, the Staff Services Manager I supervises the day-to-day operations of the Board's Discipline and Probation Unit. The SSMI reviews and approves citations, accusations, statements of issues, proposed decisions and petitions to revoke probation. The SSMI acts as a liaison with the Division of Investigations (DOI), and the Office of the Attorney General (AG) to assist with interpretation of the BBS's laws, regulations and disciplinary guidelines and approach to handling specific discipline cases. The SSMI makes recommendations for case disposition. The SSMI acts as an authority for the Discipline & Probation Unit including formulating, analyzing and implementing legislation, regulations, procedures and policies.

Associate Governmental Program Analysts (AGPA)

Two point eight (2.8) Associate Governmental Program Analysts spend fifty percent of their time on probation related cases. The AGPAs review and approve plans submitted by probationers to ensure compliance with the specific terms of their probation. They schedule and conduct comprehensive interviews with probationers to monitor adherence to their probation terms and conditions. The AGPAs authenticate and certify all terms and conditions documents and corroborate employment and duties performed. They address non-compliance when a probationer is not appropriately employed. They serve notice to the probationer of any failure to comply with the terms and conditions of probation, which may include suspension of their registration/license. The AGPAs oversee and track cost recovery and probation monitoring payments from the probationers. They maintain and update the probationer's information in BreEZe. They ensure that probationers whose terms and conditions require random drug testing are compliant. When there is a positive test result or discrepancies, they prepare and send out cease and desist notices to the probationer and to the probationer's current employer. The AGPAs analyze probation violations and make recommendations for petitions to revoke the probationer's registration/license. They compile documents from the case files and refer cases to the Attorney General's Office for further disciplinary action. They review legal pleadings for content and compliance with the Board's statutes, regulations and disciplinary guidelines and make recommendations regarding case disposition and settlement terms. The AGPAs review requests from

probationers to determine whether they are eligible to file a petition to modify the terms of their probation or for reinstatement of their license. If so, they send out a petition package and coordinate the petition hearing and answer questions as needed by the Board.

Two AGPAs are responsible for the discipline process. The AGPAs review accusations, statement of issues, default decisions, stipulations and other related documents for accuracy and content and determine whether they are in compliance with the Board's statutes, regulations and disciplinary guidelines. The AGPAs coordinate with the AG's Office in preparing various discipline cases. Also, the AGPAs are liaisons to the DCA legal counsel, the Division of Investigations and the Office of the Attorney General on discipline cases. The AGPAs provide settlement terms to the DAGs. The AGPAs also review proposed decisions for accuracy and content.

One of the AGPAs oversees the Expert Reviewer Program including recruitment, policy development and training and develops Expert Reviewer criteria and maintains the expert reviewer list and data. This AGPA updates enforcement procedures and manuals as needed and trains staff to ensure consistent application of procedures. This AGPA also formulates and recommends new policies, procedures and program improvements.

The other AGPA monitors and tracks all disciplinary cases for timeliness and compliance with the Board's goals and maintains disciplinary case records in BreEZe. The AGPA monitors and tracks all billing from the AGs office. The AGPA conducts quality control reviews of disciplinary cases, citations, and court documents to ensure that the information is accurately reported on the Board's website. The AGPA reports disciplinary action information to the National Practitioner Data Bank (NPDB) and reports to the California State Department of Health Care Services specific licensure information for any person whose license has been revoked, suspended, surrendered or made inactive by the licensee to prevent state reimbursement for services provided after the license is cancelled.

Office Technicians (Typing) (OT) (2)

One of the Office Technicians provides Enforcement Unit support by reviewing subsequent arrest notifications, subsequent dispositions, CORI information and applicant reported convictions to determine whether a case should be opened. The OT creates new case records in BreEZe and creates a hard copy case file and assigns cases to the appropriate enforcement analysts. The OT answers inquiries regarding enforcement issues, maintains case files and provides clerical support to the analysts. The OT processes accusations, statements of issues, and other disciplinary documents and prepares declarations and official certifications of license history for disciplinary cases. The OT prepares citations, accusations, final disciplinary documents and court documents for public disclosure, updates disciplinary information in BreEZe and responds to Public Records Act requests.

The other OT acts as the Cite and Fine Coordinator by preparing and mailing out citations to licensees, registrants and unlicensed individuals. The OT reviews requests for appeals and schedules informal conferences and updates citation case files in BreEZe. The OT processes and tracks all enforcement related cost reimbursements from licensees and unlicensed individuals and sends demand for payment letters. The OT refers non-compliant licensees and unlicensed individuals to the Franchise Tax Board for collection. This OT also assists the Expert Reviewer Program Coordinator by preparing cases to be transmitted for expert review and updating BreEZe records. The OT also reviews and processes expert reviewer invoices and maintains payment records and contracts.

Administration Unit

The Administration Unit is composed of 9 and 3/4 positions that are responsible for legislative and regulations review and analysis, budget review and tracking, internal accounting, procurement, maintaining and supporting the Board's website, coordinating communication with the Board members, DCA, the media and the legislative office. The unit supports Board and Committee meetings and provides front office support. The unit staff consists of nine and three quarters positions: one Staff Services Manager I, three and three quarters (3.75) Associate Governmental Program Analysts (AGPA), one (1) Staff Services Analyst, three (3) Office Technician (General) (OT) (G), one (1) Office Assistant (Typing) (OA) (T) and one Office Assistant(General) (OA)(G).

Staff Services Manager I

Under the direction of the Executive Officer and the Assistant Executive Officer, the Staff Services Manager I is responsible for the day-to-day operations of the Board's Administration Unit. The SSMI is responsible for the formulating, recommending, analyzing and implementing legislation, regulations, budgets, procedures and policies. The SSMI prepares correspondence on the legislative or regulatory functions of the Board and recommends policy, procedure or regulatory changes to the EO for consideration by relevant committees and the Board. The SSMI investigates sensitive customer complaints, responds to inquiries on statutory and regulatory procedures, licensure requirements and department policies and procedures.

Associate Governmental Program Analysts

One AGPA is responsible for legislative bill analysis, including recommending the Board's position. For Board sponsored legislation, the AGPA drafts amendments, works with stakeholders, agency and department analysts, and legislative staff to ensure passage of legislation. The AGPA provides administrative support by preparing issue papers, memoranda and reports for management staff and Board member review. The AGPA develops rulemaking proposals, including initial statement of reasons, public notice and regulation text, and ensures Board compliance with Administrative Procedures Act requirements for rulemaking.

One AGPA is responsible for budget analysis, is the liaison with DCA's budget office, developing budget change proposals, and reporting to assist the fiscal administration of the Board's programs. The AGPA is also the Business Services Coordinator and is responsible for working with the DCA Telecom Unit on communications issues and updating the BBS automated telephone system. This AGPA is also responsible for developing and implementing the Board's Continuity of Operations/Continuity of Government plan.

One AGPA (3/4 position) is responsible for rulemaking. The position develops rulemaking proposals, attends regulatory hearings and revises Board forms related to the rulemaking project. The AGPA also provides administrative support for implementing new legislation and approved rulemaking proposals.

One AGPA conducts the Board Customer Service Survey, interprets results and presents findings to management. The AGPA evaluates volume and licensee and registrant population trends. The position prepares annual performance data for the Department of Consumer Affairs Annual Report. This position is also responsible for reviewing all Board procurement requests to determine the most appropriate and cost-effective method for procurement and for preparing all procurement requests for

management approval. The AGPA also maintains and updates the Board's website, ensures that the Board's website meets accessibility requirements, and identifies and troubleshoots website operational problems. The AGPA also supports the Board's IT Staff Information Systems Analyst in problem solving and resolving user issues and coordinates maintenance and repair of the Board's computers for the Board's end users thorough the DCA Help Desk.

Staff Services Analyst (SSA)

The Staff Services Analyst develops documents, special reports, statistical reports and recommends actions. The SSA responds to inquiries from the legislature, stakeholders and DCA on sensitive or confidential issues for the EO and AEO. The SSA is the Board's liaison to oversee the administrative operations and activities of all Board and Committee Meetings. The SSA interprets and incorporates information from management and Board Meeting recordings to prepare accurate Board Meeting Minutes and Agendas. The SSA creates Board Meeting packets, prepares meeting materials for posting on the Board's website, and schedules meeting sites for Board meetings. The SSA also acts as the Public Records Act custodian, receiving records requests, researching what information can be released and ensures that responses are in compliance with the Department's Public Records Request Policy and consults with the Board's legal counsel in responding to subpoenas.

Office Technician (OT) General

There are two Office Technicians (General). One OT (G) is the receptionist and answers and directs incoming calls to the appropriate staff or unit, and answers inquiries regarding legal and procedural requirements for licensure, renewal procedures, exam scheduling and status of applications and other general licensing questions. The OT(G) processes address changes and initial licenses for successful exam candidates received from the DCA Central Cashiering Unit.

The other OT (G) prepares registrant and licensing documents for filing, files documents, and ensures that files are maintained in order. The OT (G) prepares archive transfer documents and organizes files for archiving at the State Records Center. The position prepares and updates the Board's Record Retention Schedule. The OT (G) also backs up the receptionist and provides front office support by answering, screening and directing incoming telephone calls and responding to inquiries concerning licensure requirements, renewal procedures and the examination process.

Office Assistant (Typing) OA (T)

The Office Assistant (Typing) responds to correspondence regarding general licensing requirements and regulations. The OA (T) enters fingerprint clearance and rejection data into BreEZe. The position opens, sorts and distributes incoming mail and backs up the receptionist by answering phone inquiries regarding legal and procedural requirements for registration for licensure, status of applications and other general licensing questions. The OA (T) prepares licensing documents for filing, files documents in the file room and prepares and coordinates requests for reproduction of Board forms, pamphlets and publications.

Office Assistant (General) OA (G)

The Office Assistant (General) opens, sorts and distributes all mail received by the Board. The position also sorts and distributes fax inquiries and prepares and sends overnight or certified mailings. The

position provides back up reception and front office support by answering, screening and directing incoming telephone calls and answering and responding to inquiries regarding licensure requirements, renewal procedures and the examination process. The OA (G) verifies the status of licenses and registrations. The OA (G) accepts license, registration and exam applications and provides clerical support to the unit as needed.

HISTORICAL REVENUE ANALYSIS

Table 5 shows the Board's revenue sources include fee schedule and non-fee schedule revenue for the last four fiscal years. Fee schedule income represents approximately 95.5% of all income and Non-fee schedule revenues accounted for 4.5% of income over this period.

Table 5
BBS Fee and Non-Fee Scheduled Revenue
FY 2014-15 through 2017-18

Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4 Yr Avg	% Total
Fee Schedule Revenue	$ 7,863	$ 8,907	$ 9,786	$ 9,259	$ 8,954	95.5%
Non-Fee Schedule Revenue	$ 338	$ 1,274	$ 62	$ 13	$ 422	4.5%
Totals	**$ 8,201**	**$ 10,181**	**$ 9,848**	**$ 9,272**	**$ 9,376**	**100.0%**

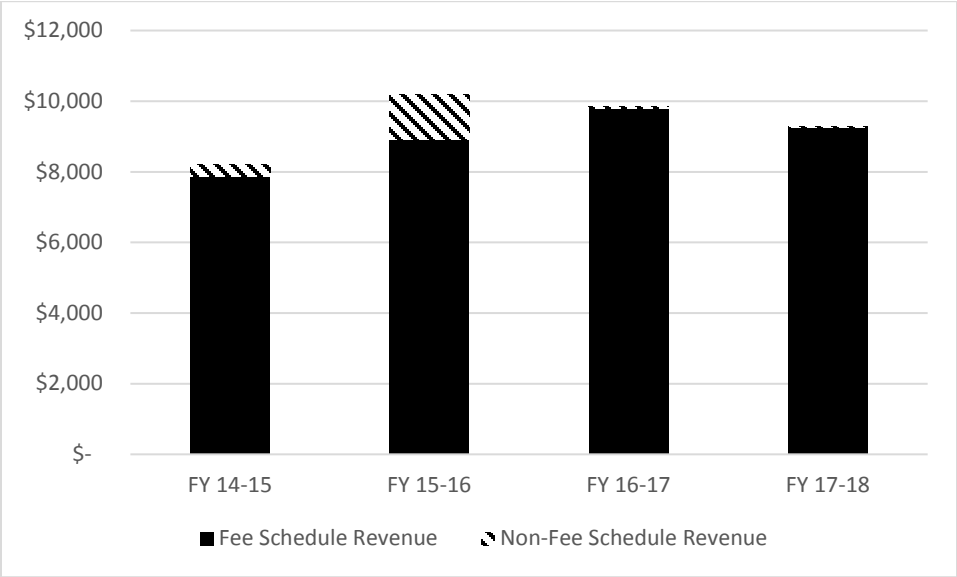
Dollars in thousands
Source: BBS Fund Condition

Figure 2 below graphically displays the Board's Fund revenue sources and trends from FY 2014-15 through FY 2017-18. It shows that fee revenue has increased from FY 14-15 while non-fee revenue was much higher in FY 14-15 and FY 15-16 than it was in FY 16-17 and FY 17-18.

Figure 2

BBS Fund Revenue Sources

FY 2014-15 through 2017-2018



NON-FEE SCHEDULE REVENUE

Table 6 details and summarizes the Board's Non-Fee Schedule revenue for FY 2014-15 through FY 2017-18. Interest from Interfund Loans constituted 93% of the non-fee scheduled revenue from across the four years. Interfund loan interest is the interest BBS derives from loans given to the State General Fund in years prior. There was no revenue from interfund loan interest for FY 16-17 and FY 17-18 and the fund condition projections from FY 18-19 through FY 23-24 also don't show any revenue for interfund loan interest. The second highest source of non-fee scheduled revenue was from the Income from Surplus Money Investments category at 5.3%, which has been steadily increasing. The remaining non-fee revenue sources have been relatively stable over the four years and constitute 1.7%.

Table 6

BBS Non-Fee Schedule Revenue Summary

FY 2014-15 through 2017-2018

Source	Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4 Yr Avg	% Total
4163000	Income from Surplus Money Investments	$ 9	$ 18	$ 53	$ 9	$ 22	5.3%
150500	Interest from Interfund Loans	$ 321	$ 1,248	$ -	$ -	$ 392	93.0%
160100	Attorney General Proceeds of Anti-Trust	$ 1	$ -	$ -	$ -	$ 0	0.1%
4171500	Escheat of Unclaimed Property	$ -	$ -	$ 1	$ -	$ 0	0.1%
4171400	Escheat of Unclaimed Checks and Warrants	$ 3	$ 4	$ 3	$ -	$ 3	0.6%
4172500	Miscellaneous Revenues	$ 4	$ 4	$ 5	$ 4	$ 4	1.0%
	Totals	**$ 338**	**$ 1,274**	**$ 62**	**$ 13**	**$ 422**	**100.0%**

Dollars in thousands
Source: BBS Fund Condition

Fee Schedule Revenue

Table 7 details and summarizes the Board's Fund Fee Schedule revenue for FY 2014-15 through FY 2017-18. At 57.6% and 39.8%, respectively, the table shows Renewal Fees and Other Regulatory Licenses and Permits have consistently been the Board's primary revenue drivers. The Renewal Fee category includes standard renewal fees, inactive to active fees, retired license fees and inactive renewal fees. The Other Regulatory Licenses and Permits category includes initial licenses fees, application fees, and fees associated with the Board's various exams including the law and ethics exam, clinical exams, and the LEP written exam. The Other Regulatory Fees and Delinquent Fees categories only constituted 1.5% and 1.0% percent, respectively. The Other Regulatory Fees category included citations and fines, duplicate document and certification fees. The Delinquent Fees category included delinquent renewal and inactive delinquent fees.

Table 7

BBS Fee Schedule Revenue Summary

FY 2014-15 through 2017-18

Source	Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4 Yr Avg	% Total
4127400	Renewal Fees	$ 5,019	$ 5,242	$ 5,161	$ 5,213	$ 5,159	57.6%
4129400	Other Regulatory Licenses and Permits	$ 2,680	$ 3,462	$ 4,345	$ 3,770	$ 3,564	39.8%
4129200	Other Regulatory Fees	$ 74	$ 117	$ 181	$ 176	$ 137	1.5%
4121200	Delinquent Fees	$ 90	$ 86	$ 99	$ 100	$ 94	1.0%
	Totals	**$ 7,863**	**$ 8,907**	**$ 9,786**	**$ 9,259**	**$ 8,954**	**100.0%**

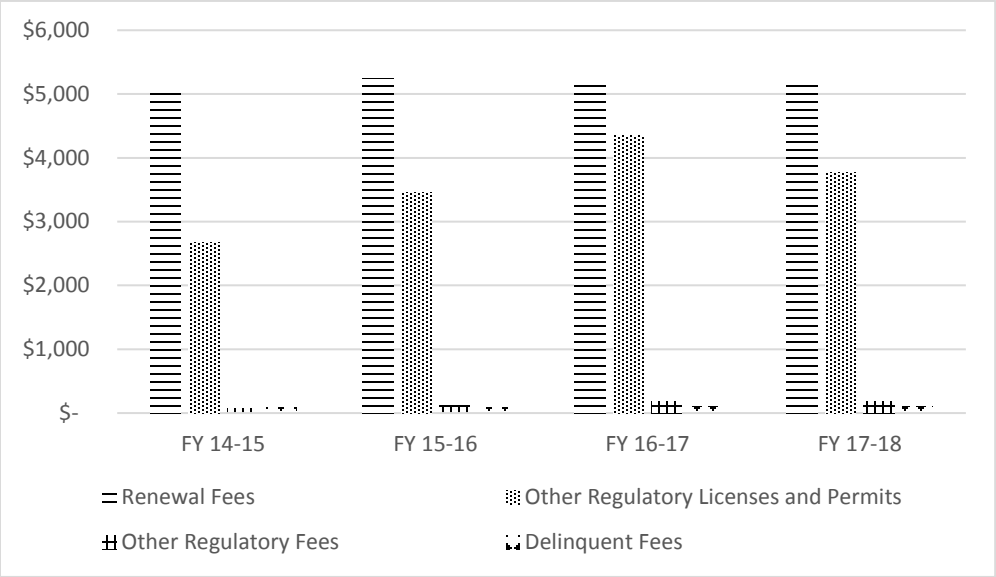
Dollars in thousands
Source: BBS Fund Condition

Figure 3 shows that while Renewal Fees, Other Regulatory Fees and Delinquent Fees have been relatively stable, Other Regulatory Licenses and Permits increased steadily from FY 14-15 through FY 16-17 and then declined slightly again in FY 17-18.

Figure 3

BBS Fee Schedule Revenue Sources, Trends & Analysis

FY 2014-15 through FY 2017-18



HISTORICAL TRANSFERS ANALYSIS

From FY 2001-2002 to FY 2010 to 2011 BBS made loans to the State General Fund that BBS has been receiving repayment for show below in table 8. These repayments are considered transfers in the BBS fund condition and are treated as income. Since FY 14-15 BBS has been receiving repayment for three separate loans as shown below. BBS has received an average of $1,900,000 per year from FY 2014-15 through 2017-18. There are no loan repayments for GF loan repayment per item 1110-011-0773 BA of 2011 between FY 2014-15 through 2017-18, however, in FY 2018-19 $3,300,000 is projected to be repaid from that loan.

Table 8

BBS Transfers Summary

FY 2014-15 through 2017-18

Source	Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4 Yr Avg	% Total
F00001	GF loan repayment per item 1170-011-0773 BA of 2002	$ 1,000	$ 3,600	$ -	$ -	$ 1,150	60.5%
F00001	GF loan repayment per item 1110-011-0773 BA of 2008	$ -	$ -	$ -	$ 3,000	$ 750	39.5%
F00001	GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ -	$ -	$ -	$ -	0.0%
	Totals	**$ 1,000**	**$ 3,600**	**$ -**	**$ 3,000**	**$ 1,900**	**100.0%**

Dollars in thousands
Source: BBS Fund Condition

HISTORICAL EXPENSE ANALYSIS

The following expense analysis covers the Board's major budget categories: Personnel Services and Operating Expenses and Equipment (OE&E) for FY 14-15 through FY 17-18. Table 9 summarizes and displays that OE&E expenses constitutes 58.1% of expenses whereas Personnel Services constitute 41.9% of expenses.

Table 9

BBS Overall Expense Categories

FYs 2014-15 through 2017-18

Category	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total	4 year change
Personnel Services-Salaries and Wages	$ 2,412,998	$ 2,596,204	$ 3,056,383	$ 3,131,253	$ 2,799,210	27.0%	29.8%
Personnel Services-Staff Benefits	$ 1,268,657	$ 1,390,036	$ 1,678,785	$ 1,849,862	$ 1,546,835	14.9%	45.8%
Personnel Services Subtotal	**$ 3,681,656**	**$ 3,986,241**	**$ 4,735,168**	**$ 4,981,115**	**$ 4,346,045**	**41.9%**	**35.3%**
OE&E-Departmental Services	$ 1,660,217	$ 2,496,948	$ 2,526,220	$ 2,945,000	$ 2,407,096	23.2%	77.4%
OE&E-Central Administrative Services	$ 388,161	$ 409,927	$ 488,000	$ 692,000	$ 494,522	4.8%	78.3%
OE&E-Examinations	$ 560,468	$ 686,082	$ 908,408	$ 798,353	$ 738,328	7.1%	42.4%
OE&E-Enforcement	**$ 1,293,041**	**$ 1,337,089**	**$ 1,901,394**	**$ 2,072,093**	**$ 1,650,904**	15.9%	60.2%
OE&E-Other OE&E Expenses	$ 647,708	$ 677,621	$ 673,055	$ 959,737	$ 739,530	7.1%	48.2%
Operating Expenses & Equipment Subtotal	**$ 4,549,595**	**$ 5,607,667**	**$ 6,497,077**	**$ 7,467,183**	**$ 6,030,381**	**58.1%**	**64.1%**
Total Expenses	**$ 8,231,251**	**$ 9,593,907**	**$ 11,232,245**	**$ 12,448,298**	**$ 10,376,425**		**51.2%**

Source: FM 13 CalSTARS reports for FY 14-15 through FY 16-17 and FM 11 projected expenses for FY 17-18, with the exception of Central Administrative Services. Central Administrative Services utilizes FM 13 CalSTARS reports for FY 14-15 and FY 15-16 and BBS Fund Condition for FY 16-17 and FY 17-18 which is also factored into the Operating Expenses & Equipment Subtotal and Total Expenses for FY 16-17 and FY 17-18.

Overall expenses have increased significantly at 42.8% in the 4 years studied. The largest increases were in Departmental Services (77.4%) and Enforcement (60.2%).

PERSONNEL SERVICES EXPENSES

Within Personnel Services, Salaries and Wages constituted 64.4% percent and Staff Benefits constituted 35.6% percent over the last four fiscal years. In addition to regular employee salaries, the salary and wages category also includes expenses related to temporary help and overtime. The staff benefits category covers medical, dental and vision insurance. It also covers Medicare taxes, OASDI and retirement contributions. Salary and Wages have increased 29.8% over the last 4 fiscal years while Staff Benefits have increased 45.8% over the same time period. A primary driver of the increased costs associated with Salaries and Wages and Staff Benefits is been the increase in the number of employees. In FY 2014/15, the Board was authorized 48.2 permanent positions and 1.8 blanket positions for a total of 50 positions. As of July 1, 2018, the Board has 58.2 authorized positions and 1.8 blanket positions for a total of 60 positions. The reason for these additional positions are discussed in more detail in the Staff Tasks and Workload Breakdown section of the report, but in essence, workload has increased across all the Licensing, Examination and Enforcement units. Another driver of the increased costs related to Salaries and Wages is a 4% salary increase on July 1, 2016, a 4% increase on July 1, 2017 and an additional 3.8% scheduled for July 1, 2018.

Operating and Equipment Expenses

As table 9 above on page displays, the Board's (OE&E) expenses include Departmental Services (23.2%), Central Administrative Services (4.8%), Examinations (7.1%), Enforcement (15.9%), and Other OE&E Expenses (7.1%) (percentages listed are related to total expenses). Examined below are the Departmental Services, Central Administrative Services, Examinations and Enforcement categories in detail. The Other OE&E Expenses category in table 9 includes expenses the following remaining OE&E categories: Fingerprints, General Expense, Printing, Communications, Postage, Insurance, Travel in State, Travel out of State, Training, Facilities Operations, Utilities, C/P SVS Interdepartmental, C/P SVS External, Data Processing, Major Equipment, Vehicle Operations, Minor Equipment.

Departmental Services

Below, table 10 summarizes and figure 4 displays the Board's Departmental Services expenses for FYs 2014-15 through FY 2017-18. At a four-year fiscal average of 23.2% of total expenses, these activities are the Board's second largest recurring expense category next to Salaries and Wages (27%) and include all DCA services charged to the Board. Depending on the service or DCA department or division charging the service, DCA allocates or charges these expenses to BBS annually on the basis of authorized positions or workload units consumed (e.g., license transactions).

Costs that have routinely represented 96.5% of BBS's Departmental Services costs are for the Office of Information Services (OIS) (57.7%), Administration Pro-Rata (28.1%), and Interagency Agreement with OPES (10.6%). OIS costs relate to the DCA's support of all the Board's information technology activities relating to computers, software, network servers, telephones and online licensing systems (previous Online Professional Licensing System and currently BreEZe). Over the period reviewed, OIS expenses increased significantly due to the costs associated with the Board's implementation of the BreEZe system beginning in October 2013.

The Administration Pro Rata cost is primarily associated with the cost of salary and benefits of the centralized DCA staff that supports the Board, such as Human Resources, Finance, Procurement, the Budget Office, Accounting, Travel, Executive Office. This cost has risen significantly in the past four years due to increases in employee salaries and health and retirement benefits.

The Interagency Agreement with OPES category represents charges going to the DCA Office of Examination Services. The charges pay for the work performed by State staff at the Office of Examination Services coordinating the development of new test items for the various tests the Board administers (e.g. the Law and Ethics exams, the LMFT Clinical exam and the LEP written exam). The tests constantly need new test items to help avoid the possibility of the tests being compromised. In addition, new legal and practice requirements may necessitate new test item creation. This cost category has remained relatively stable.

The Other Departmental Services category contains the DCA Communications Division, the DCA Internal Investigations Unit and the DCA Program Policy and Regulations Division. The DCA Communications Division employees support staff who are responsible for internal and external support of the Breeze system. The DCA Internal Investigation unit investigates internal issues at DCA related to security (e.g. investigating employees that are involved in work with the potential for crime, such as employees who handle cash, or employees who are involved in sensitive legal work). The DCA Program Policy and

Regulations Division that is responsible for analyzing new policies and regulations in order to make recommendations about how the Board should address the changes.

Table 10

DCA Departmental Services

FYs 2014-15 through 2017-18

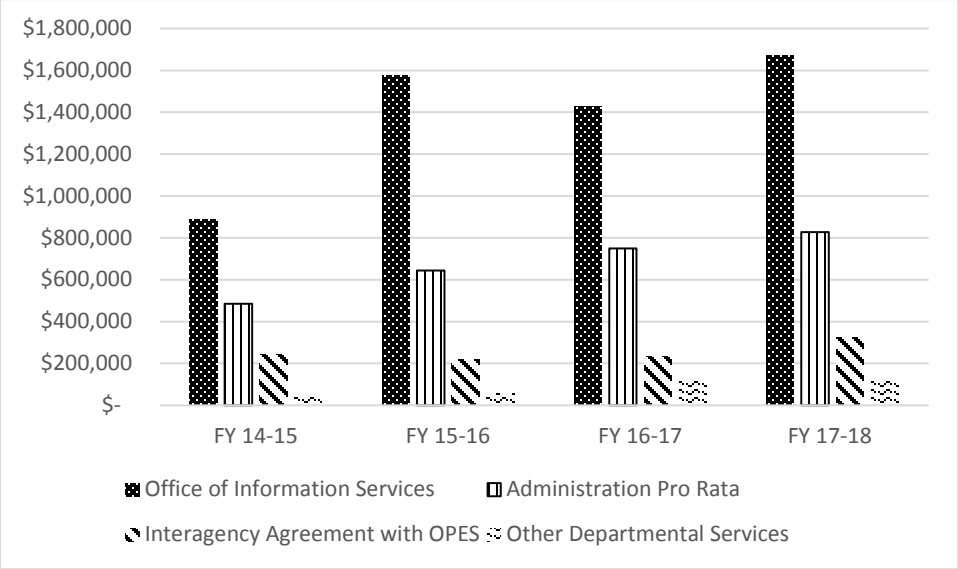
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total
Office of Information Services	$ 885,579	$ 1,575,028	$ 1,428,381	$ 1,670,000	$ 1,389,747	**57.7%**
Administration Pro Rata	$ 485,370	$ 644,320	$ 750,084	$ 828,000	$ 676,944	**28.1%**
Interagency Agreement with OPES	$ 245,297	$ 219,870	$ 231,140	$ 325,000	$ 255,327	**10.6%**
Other Departmental Services	$ 43,971	$ 57,730	$ 116,615	$ 122,000	$ 85,079	**3.5%**
Totals	$ 1,660,217	$ 2,496,948	$ 2,526,220	$ 2,945,000	$ 2,407,096	100.0%

Source: FM 13 CalSTARS reports for FY 14-15 through FY 16-17 and FM 11 projected expenses for FY 17-18

Figure 4

BBS DCA Departmental Services Trend & Analysis

FY's 2012-13 through 2017-18



CENTRAL ADMINISTRATIVE SERVICES (STATEWIDE PRO RATA)

Table 11 summarizes expenses for Pro Rata, the only sub-category within the Centralized Services category, for FYs 2014-15 through 2017-18, which has constituted 4.8% of all the Board's total expenses over the last four fiscal years. Statewide pro rata represents the Board's share of indirect costs incurred by central services agencies such as the Department of Finance, State Controller's Office, and the State

Personnel Board. The Department of Finance allocates the costs of providing central administrative services to all state departments that benefit from the services. This apportioned amount is further allocated to each state department's funding sources based on the percentage of total expenditures in each special fund. Expenses in this category increased significantly at 78.3% from FY 14-15 to FY 17-18. Much of this increase is related to the increasing personnel costs (e.g. salaries, and benefits) across the state.

Table 11

Central Administrative Services

FYs 2014-15 through 2017-18

Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total	4 year change
Pro Rata	$ 388,161	$ 409,927	$ 488,000	$ 692,000	$ 494,522	100.0%	78.3%
Totals	$ 388,161	$ 409,927	$ 488,000	$ 692,000	$ 494,522		78.3%

Source: FM 13 CalSTARS reports for FY 14-15 and FY 15-16 and BBS Fund Condition for FY 16-17 and FY 17-18

ENFORCEMENT

Table 12 summarizes and figure 5 graphically displays expenses for Enforcement activities for FYs 2014-15 through 2017-18, which has constituted 15.9% of all the Board's expenses over the last four fiscal years. Collectively at 96.5% of total enforcement expenses, services from the DOJ's Office of the Attorney General, the Department of General Service's (DGS) Office of Administrative Hearings, and the DCA's DOI (Divisions of Investigation) Investigations Enforcement Unit account for most spending. The Other Enforcement Expenses contains court reporter services and evidence and witness fees. The Board's cost for the Division of Investigation (DOI), DCA's law enforcement branch, is related to investigations of the Board's licensees and are part of the Department's pro rata costs. This expense is calculated based on a two-year roll forward methodology. DOI costs are budgeted each fiscal year based on the number of investigative hours work on enforcement cases in the prior year. This annual expense more appropriately reflects the Board's current and projected ongoing usage of DOI as the Board expects to refer more cases because of the growing need for law enforcement to perform investigations. The Office of Administrative Hearings costs are associated with work performed by State employees when a licensee appeals a violation they have been charged with. The Attorney General costs are for work performed by State employees at the Attorney General's office when the Board escalates an enforcement case to that office. The increases in all Enforcement expenses are associated with the increasing licensee population, the increased need to take enforcement related actions against licensees and the increasing salary and benefits costs associated with employees at DGS and the DOJ.

Table 12

BBS Enforcement Expense Summary

FY's 2014-15 through 2017-18

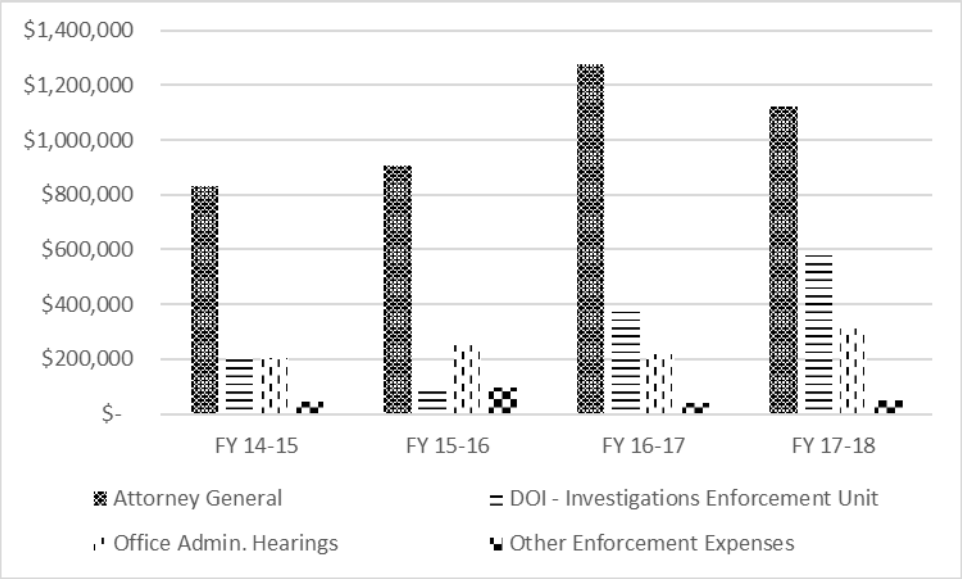
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total
Attorney General	$ 829,362	$ 907,836	$ 1,274,123	$ 1,123,302	$ 1,033,656	62.6%
DOI - Investigations Enforcement Unit	$ 217,959	$ 82,608	$ 371,795	$ 589,000	$ 315,341	19.1%
Office Admin. Hearings	$ 202,461	$ 249,975	$ 216,656	$ 310,425	$ 244,879	14.8%
Other Enforcement	$ 43,260	$ 96,669	$ 38,820	$ 49,366	$ 57,029	3.5%
Totals	**$ 1,293,041**	**$ 1,337,089**	**$ 1,901,394**	**$ 2,072,093**	**$ 1,650,904**	

Source: FM 13 CalSTARS reports for FY 14-15 through FY 16-17 and FM 11 projected expenses for FY 17-18

Figure 5

BBS Enforcement Expense Trends & Analysis

FY's 2014-15 through 2017-18



EXAMINATIONS

Table 13 summarizes and figure 6 displays expenses for Examinations, which accounts for 7.3% of the Board's overall expenses. Within Examinations, the exam contract with an outside vendor, PSI, accounts for 75.1% of expenses. The Board contracts with PSI to provide computer-based testing administration. The Board is currently in the process of securing a new vendor to administer its computer-based examinations beginning July 1, 2019. While there will no longer be an expense for PSI, there will be an expense, just to another vendor. The Board currently collects the fees to take the exam from the candidates and then pays PSI. The increase in money spent on PSI is related to an increasing number of individuals applying for licensees and the introduction of the Law and Ethics exam.

The C/P Svcs – External Subject Matter category is the money paid to the Subject Matter Experts to write new test items. In FY 17-18 this expense was moved to a different line item called "Consulting Services". The Exam Site Rental category is a contract with the Fairfield Inn & Suites hotel that is used to host the Subject Matter Expert test item writers during the exam development workshops. The values for FY 16-17 and FY 17-18 are blank because the Board did not have a contract in place as a result of exam unit staff transition. The Board did in fact conduct exam development workshops during that time, however; SMEs were reimbursed through the Travel Expense Claim process.

Table 13

BBS Examination Expense Summary

FY's 2014-15 through 2017-18

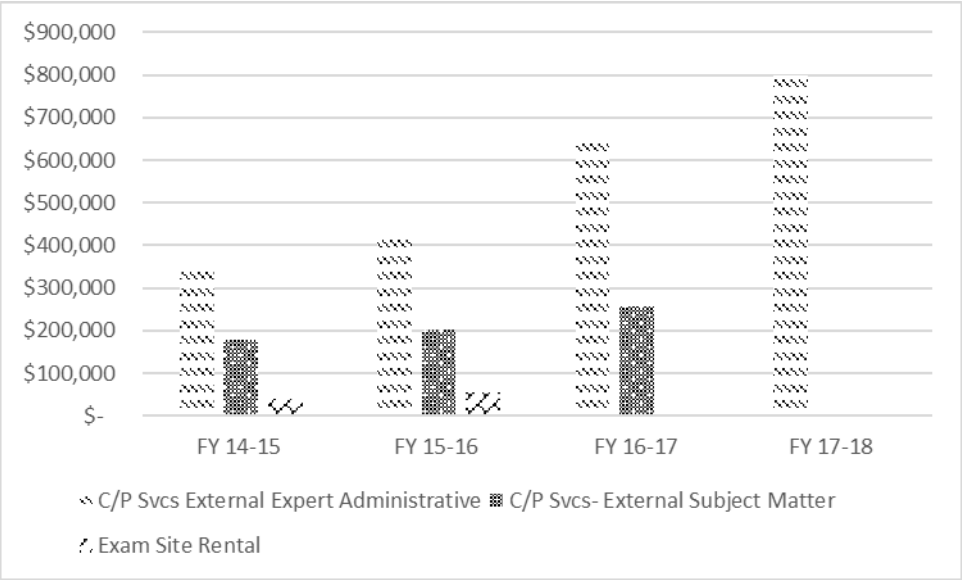
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	2-Yr Avg	4-Yr Avg	% of Total
Exam Site Rental	$ 41,656	$ 55,233	$ -	$ -	$ 48,445	$ 24,222	**3.3%**
C/P Svcs External Expert Administrative	$ 338,722	$ 429,296	$ 651,208	$ 798,353		$ 554,395	**75.1%**
C/P Svcs- External Subject Matter	$ 180,090	$ 201,553	$ 257,200	$ -		$ 159,711	**21.6%**
Totals	**$ 560,468**	**$ 686,082**	**$ 908,408**	**$ 798,353**		**$ 738,328**	

Source: FM 13 CalSTARS reports for FY 14-15 through FY 16-17 and FM 11 projected expenses for FY 17-18

Figure 6

BBS Examination Expense Trends & Analysis

FY's 2014-15 through 2017-18



REVENUE, EXPENSE AND FUND BALANCE PROJECTIONS

The following presents assumptions used by the DCA Budget Office to project estimated revenue and expenses for FYs 2018-19 through 2022-23, and the results. Table 14 displays the DCA Budget revenue and expense projections for 2018-19 through 2022-23 based on DCA Budget Office guidelines. All revenue is expected to remain flat with the exception of the Income from Surplus Money Investments which is expected to vary somewhat. Generally speaking, this number grows as the Board has surplus money to actually invest and varies based on the securities market performance. In FY 2018-19 the last of the loans that the Board made to the State General Fund is expected to be repaid. The Total Revenues and Transfers amount is the total projected income estimated to be received by the Board.

Expenses include paying for development, implementation and use of the Financial Information System for California (FI$Cal). FI$Cal combines accounting, budgeting, cash management and procurement operations into a single financial management system. Also included are statewide general administrative pro-rata expenses which the Board pays as its apportioned share for central service agencies such as the Department of Finance, State Treasure, State Controller and the Legislature. Central services are budgeting, banking, accounting, auditing, payroll and other services used by all state departments. The Supplemental Pension Payment is additional money allocated to the CalPERS retirement system. Finally, the DCA Budget Office allocates a large program expenditure amount (expenditure #1111) to the Board to cover all operations, including projected staffing increases and other Operating & Equipment expenses analyzed in this report. This expense is expected to increase 2% each year.

The total disbursement amount represents the annual appropriation which the DCA Budget Office assumes the Board will fully spend. Table 14 (the one right below) shows a growing net loss starting in FY 2018-19 and continuing over the projected remaining fiscal years with a cumulative net loss of $16.3 million in FY 2022-23.

Table 14

BBS Projected Revenues and Expenses by the DCA Budget Office

FY's 2018-19 through 2022-23

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Revenues and Transfers					
Revenues:					
4129200 Other regulatory fees	$ 221	$ 228	$ 228	$ 228	$ 228
4129400 Other regulatory licenses and permits	$ 3,637	$ 3,637	$ 3,637	$ 3,637	$ 3,637
4127400 Renewal fees	$ 5,268	$ 5,268	$ 5,268	$ 5,268	$ 5,268
4121200 Delinquent fees	$ 93	$ 93	$ 93	$ 93	$ 93
4163000 Income from surplus money investments	$ 14	$ 19	$ 40	$ 31	$ 19
4172500 Miscellaneous revenues	$ 11	$ 11	$ 11	$ 11	$ 11
Total Revenues	$ 9,244	$ 9,256	$ 9,277	$ 9,268	$ 9,256
Transfers from Other Funds					
F00001 GF loan repayment per item 1110-011-0773 BA of 2011	$ 3,300	$ -	$ -	$ -	$ -
Totals, Revenues and Transfers	**$ 12,544**	**$ 9,256**	**$ 9,277**	**$ 9,268**	**$ 9,256**
Expenditures					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 11,837	$ 11,823	$ 12,059	$ 12,300	$ 12,546
8880 Financial Information System for California (State Operations)	$ 1	$ -3	$ -3	$ -3	$ -3
9892 Supplemental Pension Payment (State Operations)	$ 100	$ 212	$ 212	$ 212	$ 212
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 957	$ 754	$ 754	$ 754	$ 754
Total Disbursements	**$ 12,895**	**$ 12,786**	**$ 13,022**	**$ 13,263**	**$ 13,509**
Net Gain/Loss	$ (351)	$ (3,530)	$ (3,745)	$ (3,995)	$ (4,253)
Cummulative Net Gain/Loss	$ (833)	$ (4,363)	$ (8,108)	$ (12,103)	$ (16,356)

Dollars in thousands
Source: DCA Budget Office

Fund Balance Projections

Table 14 and table 15 below show there is a significant fund solvency problem. Table 15 displays months in reserve declining rapidly from 4.5 to -9.3 months by the end of the projection period, well below the desired safety range. According to the DCA budget office projections, the BBS fund will become insolvent during FY 2021 unless revenue is increased. If, at the end of any fiscal year, the amount in the fund equals or is greater than two years of reserves, licenses or other fees shall be reduced during the following fiscal year. There is no mandated minimum reserve amount, but DCA and Board management agree that a three to six-month reserve is the desired range.

Table 15

BBS Projected Fund Balance Projection

FY's 2018-19 through 2022-23

		2018-19	2019-20	2020-21	2021-22	2022-23
Beginning Balance		$ 5,165	$ 4,814	$ 1,284	$ -2,461	$ -6,456
Prior Year Adjustment		$ -	$ -	$ -	$ -	$ 2
	Adjusted Beginning Balance	$ 5,165	$ 4,814	$ 1,284	$ (2,461)	$ (6,454)
Revenues and Transfers						
	Totals, Revenues and Transfers	**$ 12,544**	**$ 9,256**	**$ 9,277**	**$ 9,268**	**$ 9,256**
	Totals, Resources	$ 17,709	$ 14,070	$ 10,561	$ 6,807	$ 2,802
Expenditures						
	Total Disbursements	**$ 12,895**	**$ 12,786**	**$ 13,022**	**$ 13,263**	**$ 13,509**
Fund Balance						
Reserve for economic uncertainties		$ 4,814	$ 1,284	$ -2,461	$ -6,456	$ -10,707
Months in Reserve		4.5	1.2	-2.2	-5.7	-9.3

Dollars in thousands
Source: DCA Budget Office

Based on this analysis, CPS has determined the current Board fee structure is insufficient to cover expenses and will ultimately eliminate the Board's reserve unless action is taken now. Board licensing revenue is expected to cover all expenses, including enforcement, test development, and Board overhead. Given that staffing levels, workload and operating costs are expected to grow substantially, the Board must either decrease expenses, increase revenue or achieve a combination of both to ensure the fund is solvent with a sufficient reserve.

Closing the Gap

Table 15 above demonstrates that the fund will be insolvent starting in FY 2020-21. An overall increase in revenue is required to close the revenue gap and build a satisfactory reserve by meeting or exceeding total expenditures. This assumes that, except for the selected fee increases, the Board retains the current initial and renewal license fee structure, maintains costs within its control, and does not incur significant increases in costs beyond its control, such as Departmental, inter-service agency and pro rata costs.

In raising fees, the Board must also consider the impact on licensees and the fund balance. The Board needs to set fees at a level that ensures an adequate reserve, but avoids triggering the provision that requires lowering fees when the fund has 24 months in reserve. How much the Board actually increases selected fees should be based on consultation with the DCA Budget Office and the Board's licensee base.

Assuming non-urgency legislation was enacted, the soonest revised fees would go into effect would be January 2021. Given the urgency of the fund condition, CPS HR recommends that the Board implement

increased fees as soon as possible. An increase of $3,008,000 in revenue (from FY 2019-20 to FY 2021-21) during the second half of FY 2020-21 would result in .5 months in reserve in FY 2020-21, thereby maintaining the fund's solvency. Beginning in FY 21-22 and continuing forward, the proposed fee increases could lead to about $6,016,000 additional revenue each full fiscal year. This increase would ultimately result in 5 months in reserve by FY 2023-24. Therefore, we recommend that BBS raise fees which would result in an at least an additional $6,016,000 annually. Another aspect to note is that since 2002, fee related revenue has risen in most years even without fee increases. However, the current fund condition projections from FY 2019-20 to FY 2023-24 show at most only a $21,000 revenue fluctuation from year to year (table 15) which is driven by income from surplus money invested (table 14). Therefore, it is probable that there may be more revenue generated than what the fund condition forecasts. In addition, a 2% increase in expenditures is projected year over year.

Table 16

Financial Impact of Selected License Fee Increase on Fund Condition

FY's 2018-19 through 2022-23

		2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Beginning Balance		$ 5,165	$ 4,814	$ 1,284	$ 526	$ 2,536	$ 4,301
Prior Year Adjustment		$ -	$ -	$ -	$ -	$ 2	$ 2
	Adjusted Beginning Balance	$ 5,165	$ 4,814	$ 1,284	$ 526	$ 2,538	$ 4,303
Revenues and Transfers							
	Totals, Revenues and Transfers	**$ 12,544**	**$ 9,256**	**$ 12,264**	**$ 15,272**	**$ 15,272**	**$ 15,272**
	Totals, Resources	$ 17,709	$ 14,070	$ 13,548	$ 15,799	$ 17,810	$ 19,575
Expenditures							
	Total Disbursements	**$ 12,895**	**$ 12,786**	**$ 13,022**	**$ 13,263**	**$ 13,509**	**$ 13,763**
Fund Balance							
Reserve for economic uncertainties		$4,814	$1,284	$ 526	$ 2,536	$ 4,301	$ 5,812
Months in Reserve		4.5	1.2	0.5	2.3	3.8	5.0

Dollars in Thousands

HOURLY RATE AND RECOMMENDED FEE PROJECTIONS

One study objective is to establish a cost basis to fairly assess services the Board provides for a scheduled fee and for services that lack statutory scheduled fees. Without an accurate cost accounting system, the most convenient and fairest way to charge for services is to determine an hourly charge based on full absorption costing that accounts for all Board staff, operating and overhead costs. By dividing the Board's costs by total staff paid hours, a fully absorbed hourly and minute cost rate can be derived to identify the cost for current scheduled fees and non-scheduled tasks or services.

Table 17 shows that both expenditures and staffing have increased over the last five years, reflecting increased workload. Several factors have contributed to this increase including: the introduction of the Licensed Professional Clinical Counselor program in 2011; the implementation of the Affordable Care Act in 2014 which increased mental health care coverage and thus the demand for mental health

counseling; the revised examination program beginning in January 2016; and a Collective Bargaining agreement for a three-year salary increase package totaling 12% that began in July 2016 with the third increase in July 2018.

Table 17

Fully Absorbed Cost

FY 14-15 Through FY 18-19

	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	Total last 3 years	AVG Last 3 years
Total Annual Expenditures	$8,671,000	$10,134,000	$11,953,000	$12,754,000	$12,895,000	$37,602,000	$12,534,000
Filled PYs	51	52	56	61	60	177	59
Annual Paid Hours per PY	1776	1776	1776	1776	1776	5328	1776
Annual PY Hours per Fiscal Year	90576	92352	99456	108336	106560	314352	104784
Fully Absorbed Hourly Cost Per PY	$96	$110	$120	$118	$121		$120
Fully Absorbed Cost Per Minute	$1.60	$1.83	$2.00	$1.96	$2.02		$2.00

Source: Total Annual Expenditures from BBS Fund Condition

The hourly costs increased by 26.4% percent over this four-year period, with a slight dip in FY 17-18. The fully absorbed hourly cost results from dividing the total net expenditures by the total annual paid PY hours per fiscal year. The DCA Budget Office uses 1776 paid hours per year for budgetary forecasting and CPS HR used that for these calculations. The cost per minute is derived by dividing the hourly cost by 60. In other areas of the report, CPS HR looked at a four-year average for data forecasts. However, the cost per hour jumped over 9% in FY 16-17 and has remained relatively stable for the three-year period of FY 16-17 through FY 18-19, with a three-year average of $120 per hour or $2.00 a minute. CPS HR recommends using the three-year average (FY 16-17 to FY 18-19) to determine the costs per hour and minute for setting the fees at this time, since including the costs from the two earlier years would significantly understate current and future costs for the Board and would result in setting fees at levels that are too low to generate the needed revenue to support the Behavioral Science Examiners Fund and maintain a prudent reserve of 3-6 months.

Recommended Fee Rates

As previously noted, the Board of Behavioral Services has not increased fees for the LMSTs, LCSWs and LEPs for over 20 years. The LPCC program was established in FY 11-12 and fees have not been increased since then. As a result, the fee structure does not accurately reflect the time it takes staff to provide the services. In Table 15, above, the fund condition analysis shows that without fee increases, the months in reserve will drop and the fund will become insolvent in FY 20-21. Further analysis shows in Table 16 above that the Board needs to increase total revenue from all sources by approximately 65% or $6,016,000 to develop and maintain an acceptable reserve of between three to six months over the next five fiscal years.

CPS HR developed workload time estimates for each of the 25 study fees by using licensing process times, developed by BBS and confirmed by CPS HR through interviews with the unit managers. However, this only covered Licensing Unit staff time. CPS HR spread the time spent by staff in other Units that related directly to specific fees using the percent of time identified in duty statements for the

Unit employees. Lastly, general overhead time such as management, administration and other activities that apply to all fees were spread across the fees using the four-year average volumes, except for the Examination fees. As described earlier in this report, the Board instituted an examination restructure January 1, 2016. It required all current registrants and new applicants to take the Law and Ethics exam for their specific license type in the first year of the new program. This affected exam and exam retake volumes in FY 15-16 and FY 16-17. It was not until FY 17-18 that there was a full fiscal year of data that was not skewed by: the initial volume of existing registrants having to take the new examinations; and that there was only a half year of exam data in FY 15-16 because the new examination was implemented in the middle of FY 15-16. CPS HR, in consultation with Board staff, determined that only FY 17-18 examination data reflected ongoing examination volumes. As a result, CPS HR was only able to use one year of examination data in the workload assumptions.

The proposed fees were determined by multiplying the time spent by BBS employees according to the workload assumptions by the fully absorbed cost of $2.00 per minute. The fee specific workload assumptions are presented in Appendix A.

Table 18 compares the financial impact of the of the study fees at their current levels and the proposed fees at the four-year average volumes with the fees using the fully absorbed cost of $120 an hour/ $2.00 per minute. The $120 hourly rate increases fees from the 25 study fees as a total by approximately 72%. In preparing this forecast, CPS HR left any existing fees that are higher than the newly calculated fees unchanged since they were already in place and had been charged. Also, CPS HR found that the difference in cost between initial and retake exams was relatively minor. Therefore, CPS HR proposes that the Law and Ethics Exam and Exam Retake fees be set at the same rate, based on a weighted average of the two fee costs and that the LMFT Clinical and LEP Written tests be set in the same manner.

The resulting proposed fee increases range from $0 to $315. After calculating the estimated additional revenue generated by the projected fees, there is an excess of approximately $280,000

Table 18

Projected Fees and Additional Revenue Generated using

the $120 an hour Fully Absorbed Cost Rate

Fee Type	4 YR AVG Volume	Current Fee	Estimated Current Revenue*	Cost based Fee	Projected Revenue	Additional Revenue Generated
Associate Registration	8464					
LMFT & LCSW	7513	$75	$563,475	$280	$2,103,640	$1,540,165
LPCC	951	$100	$95,100	$280	$266,280	$171,180
Associate Renewal	23310					
LMFT & LCSW	22241	$75	$1,668,075	$160	$3,558,560	$1,890,485
LPCC	1069	$100	$106,900	$160	$171,040	$64,140
Application for Licensure	5103					
LMFT & LCSW	4759	$100	$475,900	$275	$1,308,725	$832,825
LPCC	227	$180	$40,860	$275	$62,425	$21,565
LEP	117	$100	$11,700	$275	$32,175	$20,475
Law and Ethics Exam/Re-exam	12046	$100	$1,204,600	$170	$2,047,820	$843,220
Clinical Exam/Rexam*	7756					
LMFT	4549	$100	$454,900	$215	$978,035	$523,135
LCSW	2988	*	$0	$0	$0	$0
LPCC	219	*	$0	$0	$0	$0
Issuance of Initial License	3809					
LMFT	2097	$130	$272,610	$130	$272,610	$0
LCSW	1496	$100	$149,600	$120	$179,520	$29,920
LPCC	155	$200	$31,000	$200	$31,000	$0
LEP	61	$80	$4,880	$120	$7,320	$2,440
License Renewal	25862					
LMFT**	15348	$130	$1,995,240	$130	$1,995,240	$0
LCSW**	9326	$100	$932,600	$130	$1,212,380	$279,780
LPCC**	567	$175	$99,225	$175	$99,225	$0
LEP	621	$80	$49,680	$130	$80,730	$31,050
LEP Written Exam/ Re-Exam	151	$100	$15,100	$415	$62,665	$47,565
Total Estimated Revenues based on Fee times four year volumes			$8,171,445		$14,469,390	$6,297,945
Additional Revenue Needed						$6,016,000
Difference						-$281,945

* The Estimated Current Revenue was determined by multiplying the current fee by the Four year average volume

**This fee represents the renewal fee only and does not contain the additional $20 that is collected by the Board for

As mentioned above, in considering fee increases, the Board must also be sensitive to and consider the impact of the proposed fee increases on: applicants, registrants and licensees, while maintaining an adequate fund reserve. How much the Board actually increases specific fees is a judgment call that

should be based on consultation with the DCA budget office and its applicant, registrant, licensee customer base.

One factor for the Board to consider in setting fees is that over time some fees have been set at different levels between the various practices, when the cost to the Board is the same. For example, the License Renewal fee is currently different for each of the 4 practices. CPS HR recommends that the Board consider increasing the License Renewal fee to $120 for the LCSW and LEP licenses and lowering the LMFT and LPCC renewal fees to $120. This will acknowledge the recent move to an almost fully automated renewal process, eliminate the disparity for the LMFT and LPCC Licensees who are currently paying $130 and $175 for their renewals and reduce the excess revenue generated. This approach would also allow the Board to consider setting the Issuance of the Initial License fee to $130 for all the licensees and reduce the LPCC License fee from the current $200, making it the same as that proposed for the LMFT, LCSW and LEP licensees.

Another consideration for the Board is that because of the very small volumes for the LEP written exam/retake, the exam development costs per exam/retake are disproportionately high and the resultant proposed fee of $415 may represent a hardship to LEP applicants. It is high, in comparison to other exam/re-exam fees. The Board may wish to consider setting the fee for the LEP written exam/re-exam fee more in line with the proposed LMFT Clinical Exam fee of $215, since the processes are similar.

RECOMMENDATIONS

- After consultation with the DCA Budget Office and its registrant and licensee client populations, the Board should charge for select scheduled and unscheduled services based on a fully absorbed cost rate of $120 per hour. Services should be charged and fees set, to the extent possible, based on the actual time the Board uses to provide the service.
- BBS management should develop, approve and implement or introduce legislation to revise the fee schedule as soon as possible, and inform current and prospective licensees of the changes.
- In lieu of a lengthy legislative process to change future license fees, CPS HR recommends that the Board, in obtaining legislative approval for fee increases also set a statutory maximum higher than the fees currently needed to restore the fund to a satisfactory reserve. By enabling this administrative strategy now, the Board would have flexibility in setting fees in the future to ensure adequate fund reserves as revenues decline or expenses increase.

Appendix A: Workload Assumptions

INITIAL LICENSE APPLICATION

1021 Initial License Application						
Cost Category	Total Processing Minutes per Application	Percent Clean vs. Deficient Application	FY 14-15 to FY 17-18 average annual application volume	Total Processing Minutes	Total Estimated Cost	License Cost
			8464			
Clean		90%	7618			
App opened, sorted,cashiered, deficiency determination	18					
App Processed	35					
Total Clean App	**53**			**403733**		
Deficient		10%	846			
App opened, sorted	3					
Clear App	30					
Total Returned Deficiency Time	33					
Total Deficient App	**86**			**72790**		
Fingerprint Review (Licensing Unit) and referral to Enforcement	5	10%	846	4230		
Total Clean and Deficient App and Fingerprint Review				**480753**		
Other Direct costs						
Criminal Conviction Unit Fingerprint Review/ investigation				292507		
IMFT Inquiries				14386		
School Liaison				12947		
Total Other Direct Costs				**319840**		
Overhead						
Enforcement Costs				72743		
Admin and Mgt				159920		
licensing				143595		
T&D/Stats				13701		
Total overhead				**389959**		
Total Costs				**1190552**	**$2,381,104**	**$281**

LAW & ETHICS EXAM APPLICATION

1010 Law and Ethics Exam Application						
Cost Category	Total Processing Minutes per Application	Percent Clear vs. Deficient Application	FY 17-18 annual Exam volume *	Total Processing Minutes	Total Estimated Cost	License Cos
Total Application Volume**			8177			
Clean		70%		5724		
App opened, sorted,cashiered, deficien determination	18					
Total	18			103030		
Deficient		30%		2453		
App Returned and opened, sorted, and cleared	8					
Total	26			63781		
Total Application Time				**180512**		
Direct Costs						
Exam Unit						
Exam Development L & E Exam (3)				31698		
Exam Complaints				13111		
Accommodation Evaluations				61183		
Exam Administration				26221		
Exam Evaluator				52442		
Exam Inquiries				34962		
Total Exam Unit				**219617**		
Overhead						
licensing Cost				13701		
Admin Mgt				155014		
Total Overhead				**168715**		
Total Minutes Exams				**568844**	**$1,137,688**	**$139**
Cost for PSI						**$26**
Total Cost						**$165**

*FY 17-18 only full year under new Exam process

**Used L &E First Time Taker from the Exam Results Report for FY 17-18

LAW & ETHICS EXAM RE/EXAM APPLICATION

1015 L & E Exam Retake						
Cost Category	**Total Processing Minutes per Application**	**Percent Clean vs. Deficient Application**	**FY 17-18 annual Exam volume***	**Total Processing Minutes**	**Total Estimated Cost**	**License Cost**
Total Application Volume**			3869			
Clean Application Processing						
App opened, sorted,cashiered, deficiency determination	18					
Verify appropriate coursework taken before retake	5					
Total Clean Application Processing Subtotal	**23**	**90%**	**3482**	**80088**		
Deficient Application						
When returned App opened, sorted, cleared	8					
verify appropriate coursework taken before retake.	5					
Total Deficient Application Processing Subtotal	**36**	**10%**	**387**	**13928**		
Direct Costs						
Exam Development L &E Exam				31698		
Exam complaints				6198		
Accommodations Eval				28924		
Exam Admin				12396		
Exam Evaluator				24792		
Exam Inquiries				16528		
Total Exam Unit Direct Costs				**120536**		
Overhead						
Admin/Mgt				73284		
Total Overhead				**73284**		
Total Application Processing, Exam Unit Direct Costs and Overhead				**287837**	**$575,673**	**$149**
Cost for PSI per exam						$26
Total						**$175**

*FY 17-18 only full year under new Exam process

**Used L & E Total Taking Exam less First Time Taker from Exam Results Report for FY 17-18

AVERAGE: LAW AND ETHICS EXAM AND RE/EXAM

Law & Ethics Exam/Retake Avg						
Weighted Average Initial and Retake Costs			**Volumes**		**Cost**	
Total Exams Taken			**12,046**			
Initial Exam					**$1,137,688**	
Retake Exam					**$575,673**	
Total Cost all Exams					**1,713,361**	
Average Cost Initial and Retake						**$147**
Cost to PSI per Exam						$26
Total Average Cost per Exam						**$168**

LICENSURE APPLICATION

1011 Licensure Application						
Cost Category	Total Processing Minutes per Application	Percent Clean vs. Deficient Application	to FY 17-18 average annual applicatio	Total Processing Minutes	Total Estimated Cost	License Cost
Total License Apps			**5103**			
Clean Application		50%	2552			
App opened, sorted,cashiered, deficiency	18					
App processed	50					
Total Clean Application	**68**			**173502**		
Deficient Application		50%	2552			
App opened, sorted, cashiered	18					
App processed Deficient	75					
Total initial review Deficient	93			237290		
Deficient Application Returned						
App opened, sorted	8					
Processed App/Clear Deficiency	30					
Total Deficiency Returned	38			96957		
Total Deficient Application	**131**			**334247**		
Overhead						
T & D /Stats				13071		
Outreach and Licensing Inquiries				86574		
Admin & Mgt				96417		
Overhead Cost Subtotal				**196062**		
Total Application and Overhead Cost				**703811**	**$1,407,621**	**$276**

CLINICAL EXAM APPLICATION

Clinical Exam Application						
Cost Category	**Total Processing Minutes per**	**Percent Clean vs. Deficient Applicatio**	**FY 17-18 annual Exam volume ***	**Total Processing Minutes**	**Total Estimated Cost**	**License Cost**
Clinical Exam Volume**			3360			
Direct Costs						
Exam Development				10656		
Exam Administration Clinical				63936		
Exam Complaints				9899		
Accommodation Eval				46194		
Exam Administration				19797		
Exam Evaluator				39615		
Exam Inquires				26397		
Total Direct Costs				**216494**		
Overhead						
Licensing				13701		
Admin and Magt				70145		
Tota Overhead				**83846**		
Total Overhead and Direct Costs				**300340**	**$600,680**	**$179**
PSI Cost per Exam						$46
Total Exam Costs						**$224**
*FY 17-18 only full year under new Exam process						
**Used Clinical First Time Taker from the Exam Results Report for FY 17-18						

Clinical Exam-Re/Exam Application

1015 Clinical ReExam						
Cost Category	**Total Processing Minutes per Application**	**Percent Clean vs. Deficient Application**	**FY 17-18 annual Exam volume ***	**Total Processing Minutes**	**Total Estimated Cost**	**Cost per Exam**
ReExam Application Volume**			**1189**			
App opened, sorted,cashiered	18	100%		21402		
Total Appication Processing				**21402**		
Direct Costs						
Exam Development Clinical				10656		
Exam Complaint				2537		
Accommodation Evaluation				11839		
Exam Administration				5074		
Exam Evaluation				10147		
Exam Inquiries				6765		
Direct Cost Subtotal				**47018**		
Overhead						
Admin/Mgt				17997		
Overhead Subtotal				**17997**		
Total Application, and Direct Costs Minutes				**86417**	**$172,834**	**$145**
PSI Cost per Exam						**$46**
Total Cost for Exam						**$191**
*FY 17-18 only full year under new Exam process						
**Used Total Taking Exam less First Time Taker from Exam Results Report for FY 17-18						

Average: Clinical Exam and Re/Exam

Clinical Exam/ReExam Avg			Volumes		Cost	
Total Volumes			**4549**			
initial Exams					$600,680	
Retake Exam					$172,834	
Total Cost all Exams					**$773,514**	
Average Cost Initial and Retake						**$17**
Cost to PSI per Exam						$4
Total Average Cost per Exam						**$21**

LEP WRITTEN EXAM APPLICATION

LEP Written - Exam App						
Cost Category	**Total Processing Minutes per Application**	**Percent Clean vs. Deficient Application**	**FY 17-18 annual Exam volume ***	**Total Processin g Minutes**	**Total Estimated Cost**	**License Cost**
LEP Written Exam**			101			
Direct Costs						
Exam Dev				10656		
Exam Complaints				171		
Accommodation Eval				864		
Exam Admin				370		
Exam Evaluator				741		
Exam Inquiries				494		
Total Direct Costs				**13296**		
Overhead						
Admin and Mgt				2419		
Overhead and Direct Cost Subtotal				**15715**	**$31,430**	**$311**
PSI Cost per Exam						**$34**
Total Costs						**$345**
*FY 17-18 only full year under new Exam process						
*FY 17-18 only full year under new Exam process						

LEP Written Exam Re/Exam Application

LEP Written ReExam						
Cost Category	**Total Processing Minutes per Application**	**Percent Clean vs. Deficient Application**	**FY 17-18 annual Exam volume ***	**Total Processing Minutes**	**Total Estimated Cost**	**Cost per Exam**
LEP Written Exam ReExam**			50			
Direct Costs						
Exam Dev				10656		
Exam Complaint				85		
Accommodation Eval				395		
Exam Admin				169		
Exam Eval				339		
Exam Inquiries				226		
Total Direct Costs				**11870**		
Overhead						
Admin and Mgt				1197		
Total Overhead				**1197**		
Total Direct and Overhead Costs				**13067**	$26,134	$523
PSI Cost						$34
Total Rexam Costs with PSI						**$557**
*FY 17-18 only full year under new Exam process						
**Used LEP Standard Written Exam I First Time Taker from the Exam Results Report for FY 17-18						

Average: LEP Standard Written Exam and Re/Exam

LEP Written Exam Avg			Volumes		Cost	Avg Cost per Exam
LEP Written Initial			151		$31,430	
ReExam					$26,134	
Total					**$57,564**	**$381**
PSI Cost						$34
Total Costs Including PSI						**$415**

ISSUANCE OF INITIAL LICENSE APPLICATION

1020.3020 Initial License Application						
Cost Category	Total Processing Minutes per Application	Percent Clean vs. Deficient Application	FY 14-15 to FY 17-18 Average Annual Application Volume	Total Processing Minutes	Total Estimated Cost	License Cost
Total Applications			3809			
App opened, sorted,cashiered,	18					
App processed	15					
Total Clean app	33	100%	3809	125697		
Final review before licensure	5	100%		19045		
Total Application Processing				**144742**		
Overhead						
T & D/Stats				13701		
Admin/Mgt				71968		
Total Overhead				**85669**		
Total Costs				**230411**	**$460,822**	**$121**

ASSOCIATE RENEWAL APPLICATION

2021 Associate Renewal						
Cost Category	Total Processing Minutes per Application	Percent Clean vs. Deficient Application	FY 14-15 to FY 17-18 Average Annual Application	Total Processing Minutes	Total Estimated Cost	License Cost
Application Volumes			23310			
Clean		80%	18648			
App opened, sorted, cashiered, deficiency determined	18			335664		
Deficient						
Initial Processing	18					
App opened, sorted, ccleared after return	8					
Total Deficient processing	26	20%	121212	630302		
Total Clean and Deficient Processing				**965966**		
Direct Costs						
Enforcement				143094		
Total Direct Costs				**143094**		
Total Application Processing and Other Direct Costs				**1109060**		
Overhead						
T & D and Stats				13071		
Enforcement				312599		
Admin/MGT				440423		
Total Overhead				**766093**		
Total Costs				**1875153**	**$3,750,307**	**$161**

LICENSE RENEWAL APPLICATION

2020 License renewal						
Cost Category	Total Processing Minutes per Application	Percent Clean vs. Deficient Application	FY 14-15 to FY 17-18 Average Annual Application Volume	Total Processing Minutes	Total Estimated Cost	License Cost
Application Volumes			25862			
Clean						
Online-no processing time	0	95%	0			
Deficient						
App opened, sorted, cashiered, deficiency cleared	18	5%	1293	23276		
Clean and Deficient Application Subtotal				**23276**		
Direct Cost -						
CE Audits (40%) of one PY				42624		
CriminalConviction Unit				175824		
Discipline and Probation Unit				274089		
Total Direct Costs				**492537**		
Total Application Processing and Other Direct Costs				**515813**		
Overhead						
Enforcement				597674		
Licensing				13701		
Admin/Mgt				488641		
Total Overhead				**1100016**		
Total Costs				**1639105**	**$3,278,209**	**$127**

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Memo

To: Policy and Advocacy Committee Members **Date:** July 23, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Discussion and Possible Recommendations on Proposed Changes to Continuing Education Regulations**

The purpose of this agenda item is to consider possible regulation changes pertaining to both continuing education (CE) and "additional training" requirements. This proposal would do all of the following:

- Delete the regulations that were necessary for the CE program's 2015 transition away from Board approval of individual CE providers
- Clarify and update provisions of the current regulations
- Propose several minor changes
- Amend the requirements to qualify for a CE waiver
- Update, clarify and streamline the regulations pertaining to "additional training" requirements (coursework required to be completed by applicants for licensure, as well as Licensed Educational Psychologists renewing for the first time).

A draft of this proposal was initially brought before the Policy and Advocacy Committee at its meeting in January of 2018 and has been revised based on feedback from the Committee as well as stakeholders.

See **Attachment A** for a summary of current CE requirements for licensees. The Board's statutes pertaining to CE are provided in **Attachment B**.

Proposed Changes

The proposed language in **Attachment C** would do all of the following:

1. Update the list of acceptable providers for the following courses (most of which are required prior to licensure), and streamline the lists of acceptable providers into one section (Title 16, California Code of Regulations (16CCR) §§1807, 1807.2, 1810, 1810.1, 1810.2 and 1810.5):
   - Human Sexuality
   - Child Abuse Assessment and Reporting

- Alcoholism and Other Chemical Substance Dependency
- California Law and Ethics
- Crisis or Trauma Counseling

2. Update the content required for the Human Sexuality course for consistency with statute, the DSM-V and to ensure currency (it has not been updated in over 30 years) (16CCR §1807).

3. Update the content required for the Alcoholism and Other Chemical Substance Dependency class to clarify that it should also include substance abuse (as opposed to only dependency) (16CCR §1810).

4. Clarify that dual licensees must only complete a total of 36 hours per renewal period (as opposed to 36 hours per license type). (16CCR §1887.1).

5. Clarify that an individual who holds a retired license is exempt from CE requirements (16CCR §1887.2(a)).

6. Delete the requirement that LMFTs and LCSWs who began graduate study prior to January 1, 1986 take a CE course in Alcoholism and Other Chemical Substance Dependency. All applicants for LMFT and LCSW licensure must now meet this requirement prior to license issuance (16CCR §1887.3(b)).

7. Clarify that a CE course taught by a licensee may only count toward his or her CE if it is a course taught for a board-accepted provider (16CCR §1887.3(d)).

8. Specify that teaching a CE course may only count for 18 of the 36 hours of CE required to be taken every two-year renewal period (16CCR §1887.3(d)). Current law specifies that the licensee may count the same number of hours as a licensee who took the course, and may only claim a course once per renewal cycle. However, licensees may count the same class(es) taught each renewal period. For example, teaching a 3-semester-unit (equivalent to 45 hours) course on theories of psychotherapy would fulfill a licensee's entire CE requirement. If also taught during their next renewal cycle, they would be able to again fulfill all CE.

9. Allow a licensee who completes a board occupational analysis survey to be awarded with six hours of CE (16CCR §1887.3(k)).

10. Update the list of approval agencies and acceptable providers, and place them in alphabetical order (16CCR §§1887.4.1(a) and 1887.4.3(a)(3)).

11. Delete outdated sections that pertained to the Board's former CE regulatory program and delineated the transition to the new program.

12. Make other technical, clarifying and non-substantive changes.

Additional Changes – CE Exceptions: Discussion Needed

This proposal would also update and clarify the requirements for obtaining an exception from (waiver of) CE requirements (16CCR §1887.2). CE waivers allow the licensee to renew in an active status without completing the required 36 hours of CE during the two-year renewal period. See **Attachment D f**or other healing arts boards' waiver requirements.

The proposed amendments are as follows:

- Strike the provision that allows a licensee in their initial renewal period to complete 18 hours of CE rather than 36 hours. In the past, new licensees were assigned an expiration date that could be anywhere from one to two years away. Now, all initial renewal periods are a full two years long.

- Update the CE waiver request forms and instructions, which are incorporated by reference into the Board's regulations. See **Attachments E, F and G**.

- Clarify that a CE waiver is temporary and applies only to the current renewal cycle.

- Delete the reference to "reasonable accommodation." An accommodation (as opposed to an exception) was previously granted to individuals who needed to complete all CE hours via "self-study." The limitation on the number of hours of self-study was removed effective July 1, 2015. All CE can be completed online.

- Delete the waiver for active duty military members. This provision is no longer necessary, as Business and Professions Code §114.3 now requires the Board to waive all renewal requirements, including CE, for active duty military members.

- Delete the waiver for licensees who resided in another country for at least one year. This waiver was created during a time when CE was not commonly offered online. If a licensee happens to reside in a country where internet is limited, they can renew inactive. There is no penalty for having an inactive status, and the license can be reactivated at any time upon completion of CE and payment of the activation fee.

- For licensees who were a primary caregiver of an immediate family member for at least one year during the renewal period, the proposal would provide a definition of a "total physical or mental disability" meaning the family member is both unable to work and unable to perform activities of daily living without substantial assistance.

- For licensees who have a physical or mental disability of their own for at least one year during the renewal period, staff had originally proposed to require the evaluating professional to certify that the condition substantially limited the licensee's ability to practice and complete the required CE. However, there were concerns expressed that this language was too vague, and that professional evaluators would need more clarity. Different models and methods were explored,

but most options were lacking in terms of clarity. The current proposal would do the following:

- No longer require "total disability" (as specified on the form). Instead, require that the licensee had a condition that substantially limited one or more life activities, consistent with the wording of the Americans with Disabilities Act and California law; and,

- Require the licensee to demonstrate that their condition caused earned income to drop below the "substantial gainful activity" (SGA) amount for non-blind individuals as set by the Social Security Administration (**see Attachment H**).

- Eligibility would be demonstrated through a combination of a physician or psychologist verification of disability, along with proof of income during the period of disability.

This recognizes that a licensee may be able to continue to work some hours, but that may be all the individual can reasonably accomplish while disabled. It also provides a clear and unambiguous standard. SGA thresholds are adjusted yearly. For 2019, the SGA "non-blind" amount is $1,220 monthly. For blind individuals, the amount is $2,040. Blind individuals were originally eligible for disability benefits through the SSA regardless of income level. An income limit was later imposed, which is set higher than for all other disabled persons.

- Require licensees who are granted a CE waiver to take the 6-hour law and ethics course despite the waiver (16CCR §1887.2).

CAMFT Letter

The California Association of Marriage and Family Therapists sent a letter requesting consideration of the following (provided in **Attachment I**):

- Discuss concerns that requiring 6 hours of law and ethics from those who were granted a temporary CE waiver would be an undue burden, due to a need to focus on the health and recovery for themselves or a family member (16CCR §1887.2).

- Consider allowing "microlearning." Currently, CE courses must be one hour minimum in length (16CCR §1887(a)). CAMFT states that research demonstrates the efficacy of microlearning, there is a need for greater flexibility in how courses are taught, and regulatory bodies are changing to allow microlearning. CAMFT proposes courses as short as 15 minutes long be accepted, and has provided research pertaining to microlearning. See **Attachment J**.

- Clarification on whether a course on “Law and Ethics for Supervisors” should be allowed to meet both of the following (16CCR §1887.3(c)):
    - The 6-hour Law and Ethics course required for all licensees each renewal period, and
    - The 6-hour supervisor training refresher required of LMFT and LPCC supervisors each renewal period.

- Clarification of course content requirements. Currently courses must be “based upon methodological, theoretical, research or practice knowledge base.” CAMFT states that CE providers often struggle to understand what this means. This language was implemented in order to avoid inappropriate courses such as sexual orientation change therapy. Staff has proposed some clarifying language (16CCR §1887.4.0).

- Streamline subsection (c) of the section on course content, and no longer require educational goals and specific learning objectives to be “measurable” (16CCR §1887.4.0).

- Retain the section pertaining to required content for course advertisements, and make it applicable to CE providers operating under an approval agency. Since the Board no longer approves individual CE providers, and because approval agencies are now responsible for setting standards for CE providers, this section is proposed to be deleted. CAMFT receives numerous phone calls from licensees having difficulty determining whether a course is being offered by an approved CE provider and they feel that this would help. (16CCR §1887.9).

- Retain the section pertaining to course instructor qualifications, and make it applicable to CE providers operating under an approval agency. Since the Board no longer approves individual CE providers, and because approval agencies are now responsible for setting standards for CE providers, this section is proposed to be deleted. CAMFT is concerned that other CE approval agencies may be allowing unqualified instructors (16CCR §1887.10).

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend to the full Board as regulatory proposal.

Attachments

Attachment A: Summary Chart of BBS CE Requirements
Attachment B: Continuing Education Statutes
Attachment C: Proposed Regulatory Language
Attachment D: Other DCA Healing Arts Boards – CE Waiver Requirements

Attachment E: Instructions and Information for CE Waiver Application
Attachment F: CE Waiver Application
Attachment G: Verification of Disability or Medical Condition Form
Attachment H: Substantial Gainful Activity Information from the Social Security Administration
Attachment I: Letter from CAMFT
Attachment J: Research on Microlearning

Board of Behavioral Sciences

ATTACHMENT A

CONTINUING EDUCATION REQUIREMENTS

LMFT	LCSW	LPCC	LEP	COURSES REQUIRED
				Required for FIRST Renewal Only
✓	✓	✓		**HIV/AIDs (7 hours)** *per Title 16 California Code of Regulations (16CCR) § 1887.3 (c)*
			✓	**Child Abuse Assessment and Reporting (7 hours)** *per 16CCR § 1807.2*
			✓	**Alcoholism and Other Chemical Substance Dependency (15 hours)** *per 16CCR § 1810*
				Required for EVERY Renewal
✓	✓	✓	✓	**Law and Ethics (6 hours)** *per 16CCR §* 1887.3 (d)
		✓*		**Marriage and Family Therapy (6 hours)** *per Business and Professions Code § 4999.20* **Only required for the following LPCCs – otherwise course is not required:* • *LPCCs who choose to assess or treat couples or families* • *LPCCs supervising an Associate Marriage and Family Therapist or MFT Trainee* • *LPCCs supervising an LPCC or Associate PCC gaining experience with couples or families*

Overall Hours:	All licensees are required to complete the MINIMUM of 18 hours of Continuing Education (CE) for their first renewal. An LEP may be required to complete more hours due to their particular requirements. All subsequent renewals have a requirement of 36 hours.
Dual Licensees:	If you have a LMFT or LCSW license in addition to your LEP or LPCC license, you may apply CE hours to both licenses if the course meets all CE requirements and the subject matter relates to both scopes of practice.
Courses Taught:	You may claim credit for teaching a course. You will receive the same amount of hours as a course attendee would receive. However, you can only claim credit for teaching a course one time during a single renewal period. 1 Semester Unit = 15 CE hours 1 Quarter Unit = 10 CE hours
Supervisors:	Supervisors of Associate Clinical Social Workers, Associate Marriage and Family Therapists, MFT Trainees or Associate Professional Clinical Counselors may apply supervisor course training hours to CE requirements as long as the training has been taken from an acceptable CE provider.

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ATTACHMENT B

CONTINUING EDUCATION STATUTES

BUSINESS AND PROFESSIONS CODE

§114.3. MILITARY RENEWAL

(a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

LMFT: §4980.54. CONTINUING EDUCATION

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in subdivision (d) of Section 4980.40 and, if he or she passes those examinations, to begin practice.

(b) In order to continuously improve the competence of licensed marriage and family therapists and as a model for all psychotherapeutic professions, the Legislature encourages all licensees to regularly engage in continuing education related to the profession or scope of practice as defined in this chapter.

(c) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as defined by the board.

(f) The continuing education shall be obtained from one of the following sources:

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (f), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(h) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(i) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.

(k) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

LEP: §4989.34. CONTINUING EDUCATION REQUIREMENTS

(a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.

(b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider as specified by the board by regulation.

(2) The board shall establish, by regulation, a procedure identifying acceptable providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(c) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.

(2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.

(d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.

(f) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund.

The amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.

(g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

LCSW: §4996.22. CONTINUING EDUCATION EFFECTIVE JANUARY 1, 2004

(a)(1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of social work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study prior to January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, he or she completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4991.2, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to the procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding, or the practice, of social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

(i) The board may adopt regulations as necessary to implement this section.

(j) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

LPCC: §4999.76. LICENSE RENEWAL; CONTINUING EDUCATION REQUIREMENT

(a) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years

and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers as specified by the board by regulation.

(e) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

ATTACHMENT C

PROPOSED REGULATORY LANGUAGE
CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 18. BOARD OF BEHAVIORAL SCIENCES
ARTICLE 1. GENERAL PROVISIONS

AMEND § 1807: HUMAN SEXUALITY TRAINING

§ 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, 4980.81, 4996.2, 4996.17, ~~and~~ 4999.32, 4999.62, and 4999.63 of the Code shall do both of the following:

(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 behavior, sexual dysfunctions, sexual orientation, gender identity, ~~sexual behavior or sexual disorders~~ and gender dysphoria.

~~(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 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, 4980.81, ~~4980.54,~~ 4996.2, 4996.17, ~~4996.22 and~~ 4999.32, 4999.62 and 4999.63, Business and Professions Code.

AMEND § 1807.2: CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

§ 1807.2. Child Abuse Assessment and Reporting Training Requirements.

~~In addition to all other requirements for licensure, all~~ All persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor or applying for first-time 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; 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 by the board.~~

~~(e) Completed after January 1, 1983~~ have been completed within the five (5) years prior to the date the Board receives the individual's application for licensure or renewal.

~~(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, 4980.36, 4980.41, 4980.54, 4989.34, 4996.2, 4996.22, ~~and~~ 4999.32 and 4999.33, Business and Professions Code; and Sections 11164, 11165 and 11166, Penal Code.

AMEND AND RENUMBER § 1810: ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

§ ~~1810~~ 1807.3. 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,~~ 4996.2, 4996.17, and 4999.32 of the Code shall consist of not less than fifteen (15) hours of ~~classroom~~ training or coursework and shall include each of the following areas:

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

(2) Medical aspects of alcoholism, substance abuse, 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, substance abuse, 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~~ client and family.

(9) The process of referring affected persons.

(10) ~~Education concerning and p~~Prevention of substance abuse.

~~(b) For persons subject to Section 4980.41(d) 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 by the board.~~

(c) ~~(d)~~ A licensed educational psychologist ~~that renews~~ applying for first-time renewal of his or her license ~~on or after January 1, 2012~~ shall have received not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency as described in subsections (a) and (b). ~~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,~~ 4980.81, ~~4980.90,~~ 4989.34, 4996.2, 4996.17 and 4999.32, Business and Professions Code.

REPEAL § 1810.1: CALIFORNIA LAW AND ETHICS TRAINING; ACCEPTABLE EDUCATION PROVIDERS

~~**§ 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 and 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 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 and 4999.32, Business and Professions Code.~~

REPEAL § 1810.2: CRISIS OR TRAUMA COUNSELING TRAINING

~~**§ 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 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.~~

ADD § 1810.5: ACCEPTABLE TRAINING PROVIDERS

§ 1810.5. Acceptable Training Providers.

(a) The training courses listed below shall have been obtained from one of the providers listed in subsection (b):

(1) Human sexuality training required by section 1807.

(2) Child abuse assessment and reporting training required by section 1807.2.

(3) Alcoholism and other chemical substance dependency training required by section 1807.3.

(4) California law and ethics training required of out-of-state marriage and family therapist, clinical social worker, and professional clinical counselor applicants required by sections 4980.78, 4980.79, 4996.17, 4999.62 and 4999.63 of the Code.

(5) Crisis or trauma counseling training required by section 4999.32 of the Code.

(b) The above training courses shall have been obtained from one of the following entities:

(1) An educational institution accredited a regional or national institutional accrediting agency that is recognized by the United States Department of Education, including extension courses offered by such institutions.

(2) An educational institution approved by the Bureau for Private Postsecondary Education, including extension courses offered by such institutions.

(3) A continuing education provider accepted by the board.

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 25, 28, 32, 4980.36, 4980.41, 4980.54, 4980.78, 4980.79, 4980.81, 4989.34, 4996.2, 4996.17, 4999.32, 4999.33, 4999.62 and 4999.63, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS

AMEND § 1887: DEFINITIONS

§ 1887. Definitions.

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length, provided in-person or online. This may include~~ including~~, but is not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of video~~tapes or film~~ instruction, or viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location, that ~~has~~ have 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.~~

(c)~~(d)~~ A “renewal period” means the two-year period that spans from the ~~effective date of the license~~ first day after the license’s prior expiration date to the current license expiration date.

(d)~~(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~~ 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.1: LICENSE RENEWAL REQUIREMENTS

§ 1887.1. License Renewal Requirements.

(a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54**,** 4989.34, 4996.22, and 4999.76 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

(c) Individuals who hold dual licensure with the Board may apply the same continuing education course to both licenses if the subject matter of the course relates to each license’s scope of practice.

Note: Authority cited: Sections 4980.60~~, 4989.34,~~ and 4990.20 ~~and 4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4982, 4989.34, 4989.54, 4992.3, 4996.22, 4999.76 and 4999.90, Business and Professions Code.

AMEND § 1887.2: EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

§ 1887.2. ~~Exceptions from~~ Temporary Waivers of Continuing Education Requirements.

~~(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) A licensee is exempt from the continuing education requirement if his or her license is inactive pursuant to Section~~s~~ 4984.8**,** 4989.44, 4997 or 4999.112 of the Code, or retired pursuant to Section 4984.41, 4989.45, 4997.1 or 4999.113 of the Code.

~~(c)~~ (b) A licensee may submit a written request for ~~exception~~ a temporary waiver from~~, or reasonable accommodation for,~~ the continuing education requirement~~,~~ for the licensee's current renewal period, for any of the reasons listed below. The request shall be on a form entitled "Request for Temporary 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 in writing at least sixty (60) days prior to the license expiration date. ~~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.~~

(c) (1) The board shall grant a~~n exception~~ temporary waiver of continuing education if the licensee can provide evidence, satisfactory to the board, that one of the following occurred:

~~(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; or~~

~~(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country;~~

(A)~~(2) The board may grant a reasonable accommodation if, for~~ For at least one year during the licensee's ~~previous~~ current 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~~ that did both of the following:

(i) Substantially limited one or more life activities, and

(ii) Caused the licensee's earned income to drop below the substantial

gainful activity amount for non-blind individuals during that year, as defined by the Social Security Administration.

(B) For at least one year during the licensee's current license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as housework, shopping, meal preparation, eating, bathing, or dressing.

(2) The licensee's or immediate family member's 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 Temporary 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.

(3) A licensee shall provide proof of all income earned from work activity during the one-year period of the licensee's disability. If the licensee did not earn any income, the licensee shall provide proof of receiving disability payments, or provide other evidence demonstrating that the licensee did not earn any income from work activity.

(d) The board will notify the licensee whether the waiver is granted within thirty (30) days after the request is received. If the request for waiver is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal, if renewing in an active status. If the request for waiver is approved, it shall be valid for the current renewal period only.

(e) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in Law and Ethics required by section 1887.3.

Note: Authority cited: Sections ~~4980.54,~~ 4980.60~~, 4989.34,~~ and 4990.20~~(a), 4996.22 and 4999.76~~, Business and Professions Code~~; and Sections 12926 and 12944, Government Code~~. Reference: Sections 4980.54, 4984.8, 4989.34, 4989.44, 4989.45, 4996.22, 4997, 4997.1, 4999.11, ~~and~~ 4999.76, and 4999.113, Business and Professions Code; and Sections 12926 and 12944, Government Code.

AMEND § 1887.3: CONTINUING EDUCATION COURSE REQUIREMENTS

§ 1887.3. Continuing Education Course Requirements.

(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.~~

(b~~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.

(c~~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. A course on law and ethics that is also designed to meet supervisor training requirements pursuant to Article 3, 4 or 6 shall (not?) be accepted toward meeting this requirement.

(d~~e~~) If a licensee teaches a course provided by a board-accepted provider, 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. A maximum of 18 hours of continuing education may be met by teaching courses during each renewal period.

(e~~f~~) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(f~~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.

(g~~h~~) A licensee who attends the board enforcement case review training may be awarded up to six (6) 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.

(h~~i~~) A licensee who acts as a board subject matter expert (SME) for an enforcement case review may be awarded six (6) 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.

(i~~j~~) A licensee who participates in a board examination development workshop may be awarded six (6) 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.

(j) A licensee who completes a board occupational analysis survey in full may be awarded six (6) hours of continuing education for the renewal cycle in which the survey was completed.

(k) A licensee who participates in a professional organization's law and ethics review committee may be awarded up to six (6) 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,~~ and 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.

REPEAL § 1887.4: CONTINUING EDUCATION COURSE CONTENT

~~**§ 1887.4. Continuing Education Course Content.**~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.~~

~~(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).~~

~~(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g.,~~

~~legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).~~

~~(b) A provider shall ensure that a course has specific objectives that are measurable.~~

~~(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.~~

~~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.~~

AMEND § 1887.4.0: CONTINUING EDUCATION COURSE CONTENT

§ 1887.4.0. Continuing Education Course Content.

(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) Relevant to the profession's scope of practice;

(2) Supported by evidence-based practice;

(3) Consistent with the profession's current standards of care;

(4) Consistent with the profession's ethical, legal, statutory and regulatory standards; and,

(5) Do one or both of the following:

~~(1)~~(A) ~~demonstrate~~ Demonstrate credibility through ~~the involvement of the broader~~ support from mental health practices, current educational standards, and ~~science communities in studying or applying the findings, procedures, practices or theoretical concepts~~ current research; or

~~(2)~~(B) ~~be~~ Be directly related to the profession's ethical, legal, statutory or regulatory ~~policies, guidelines, and~~ standards ~~that impact each respective practice~~.

(c) Each continuing education course shall have both of the following:

(1) A syllabus that contains a general outline of the main points for each topic, one or more ~~written~~ educational goals, and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course; and,

(2) ~~an~~ A ~~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.

AMEND § 1887.4.1: BOARD-RECOGNIZED APPROVAL AGENCIES

§ 1887.4.1. Board-Recognized Approval Agencies.

(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)~~
~~(6) California Association of Marriage and Family Therapists (CAMFT)~~
~~(7) California Psychological Association (CPA)~~

(1) American Psychological Association (APA)
(2) Association of Social Work Boards (ASWB)
(3) California Association of Marriage and Family Therapists (CAMFT)
(4) California Psychological Association (CPA)
(5) National Association of School Psychologists (NASP)
(6) National Association of Social Workers (NASW)
(7) National Board of Certified Counselors (NBCC)

(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,~~ and 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

(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.

AMEND § 1887.4.3: CONTINUING EDUCATION PROVIDER RESPONSIBILITIES

§ 1887.4.3. Continuing Education Provider Responsibilities.

(a) A continuing education provider shall be ~~either~~ one of the following:

(1) ~~an~~ 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~~ 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,~~ A professional association~~, or other entity~~ that is recognized by the board as a continuing education provider. The following

~~organizations~~ professional associations 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)~~

(A) American Association for Marriage and Family Therapy (AAMFT)
(B) American Counseling Association (ACA)
(C) California Association for Licensed Professional Clinical Counselors (CALPCC)
(D) California Association of Marriage and Family Therapists (CAMFT)
(E) California Association of School Psychologists (CASP)
(F) California Counseling Association (CCA)
(G) California Psychological Association (CPA)
(H) California Society for Clinical Social Work (CSCSW)
(I) National Association of Social Workers-California Chapter (NASW-CA)

(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,~~ and 4990.20 ~~and 4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

(a) One hour of instruction is equal to one hour of continuing education credit.

(b) One academic quarter unit is equal to ten (10) hours of continuing education credit.

(c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

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.

REPEAL § 1887.7: BOARD-APPROVED PROVIDERS

~~**§ 1887.7. Board-Approved Providers.**~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.~~

~~(b) A continuing education provider shall submit a completed Continuing Education~~

~~Provider Application (Form no. 1800 37A-633, Rev. 1/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.~~

~~(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.~~

~~(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.~~

~~(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.~~

~~(f) Board-approved provider numbers are non-transferable.~~

~~(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.~~

~~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.~~

REPEAL § 1887.8: REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

~~§ 1887.8. Revocation and Denial of Board-Approved Provider Status.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:~~

~~(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;~~

~~(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or~~

~~(3) a provider makes a material misrepresentation of fact in information submitted to the board.~~

~~(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15)~~

~~days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.~~

~~The continuing education appeals committee shall contain three board members, one public member and two members representing two of the four license types regulated by the board. The decision of the continuing education appeals committee is final.~~

~~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.~~

REPEAL § 1887.9: COURSE ADVERTISEMENTS

~~§ 1887.9. Course Advertisements.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:~~

~~(a) the provider's name;~~

~~(b) the provider number, if a board-approved provider;~~

~~(c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";~~

~~(d) the provider's policy on refunds in cases of non-attendance by the registrant; and~~

~~(e) a clear, concise description of the course content and 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.~~

REPEAL § 1887.10: COURSE INSTRUCTOR QUALIFICATIONS

~~§ 1887.10. Course Instructor Qualifications.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:~~

~~(1) a license, registration, or certificate in an area related to the subject matter of the~~

~~course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~

~~(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;~~

~~(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or~~

~~(4) at least two years' experience in an area related to the subject matter of the course.~~

~~(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

REPEAL § 1887.11: RECORDS OF COURSE COMPLETION

~~§ 1887.11. Records of Course Completion.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~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) provider number, if a board-approved provider;~~

~~(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.~~

§1887.11.0 RECORDS OF COURSE COMPLETION

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.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:

(1) syllabi for all courses;

(2) the time and location of all courses;

(3) course advertisements;

(4) course instructors' vitae or resumes;

(5) attendance rosters with the names and license numbers of licensees who attended the courses;

(6) sign-in sheets; and

(7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

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.

REPEAL § 1887.15: TRANSITION PERIOD FOR CONTINUING EDUCATION PROGRAM

~~**§ 1887.15. Transition Period for Continuing Education Program.**~~

~~(a) An entity wishing to become recognized by the board as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the board beginning January 1, 2015.~~

~~(b) Effective January 1, 2015, the board will cease accepting applications for board-approved continuing education providers.~~

~~(c) Effective July 1, 2015, all board-approved continuing education provider numbers will no longer be renewed.~~

~~(d) Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015, or later are not eligible for renewal.~~

~~(e) Notwithstanding any other provision of this Article, each board-approved continuing education provider may continue to provide continuing education coursework until the expiration of their continuing education provider number.~~

~~(f) Board licensees may be credited with continuing education credits from a board-approved continuing education provider if all of the following criteria are satisfied:~~

~~(1) The board-approved continuing education provider's board-issued provider number was not expired at the time that the course was taken; and~~

~~(2) The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.~~

~~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.~~

ATTACHMENT D

OTHER DCA HEALING ARTS BOARDS – CE WAIVER REQUIREMENTS

Board	Reasons Allowed	Other Specifications
Board of Psychology	During the two-year period preceding expiration date: • Total physical and/or mental disability for at least one year; or • Total physical and/or mental disability of an immediate family member for at least one year where the psychologist has total responsibility for the care; or • ADA reasonable accommodation – exemption from on-site participation requirement; or • Engaged in active military service reasonably preventing completion of CE requirements; or • Other good cause (not defined)	• Law and ethics course cannot be waived • Exemption may be granted from all or part of hours. • If waiver request denied, must complete CE within 120 days of notification of denied request

Board of Registered Nursing	During the renewal period, must:
	• Have resided overseas for a period of one year or more
	• Be employed by a Federal agency or military and practicing outside of California
	• Have a hardship of one or more years' duration for:
	  • Total physical disability. Must provide verification of readiness or ability to return to work; or
	  • Total disability of immediate family member for whom licensee has total responsibility.	

Medical Board	"For reasons of retirement, health, military service or undue hardship." Nothing further specified.	Requires hours to be made up the following renewal cycle.
Dental Board	Not practiced in California for more than one year during renewal period due to disability.	

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Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830
www.bbs.ca.gov

REQUEST FOR TEMPORARY CONTINUING EDUCATION (CE) WAIVER:

INSTRUCTIONS AND INFORMATION

IMPORTANT:

- ***The Board must receive your request for CE waiver at least sixty (60) days PRIOR to the expiration date of your license in order for the waiver to be considered. Otherwise, your request will be denied. Allow 30 days for processing.***

- ***The 6-hour Law and Ethics CE course required for each renewal CANNOT BE WAIVED. You must complete this course before renewing.***

How to Request a Temporary Waiver of CE

To request a temporary waiver, submit the following:

Request form. Complete the "Request for Temporary Continuing Education Waiver – Licensee Application" Form No. 37A-635 (Revised [date to be inserted by OAL upon approval of regulations]).

Verification of Disability. Submit a completed "Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition" Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]). This form must be completed by the attending physician or psychologist. The Board may accept a written statement from the physician or psychologist in lieu of completing the form, provided that the statement provides all of the information requested on 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.

Proof of Income. If your request is due to your own disability or medical condition, you must submit proof of all income earned from work activity during the (minimum) one-year period of disability. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity. Your earned income must fall below the "substantial gainful activity" amount for the non-blind during the (minimum) one year of disability, as set by the Social Security Administration. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity.

You will be notified whether your request was granted within thirty (30) days after your request for waiver and all supporting documentation are received by the Board.

Waivers Cannot be Granted Before the Fact

The board can only grant a waiver 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 a waiver after the situation has occurred, or during the situation as long as you have met the minimum criteria.

Send Your Waiver Request BEFORE Submitting Your Renewal Application

Do not submit your renewal application until after the Board has responded to your waiver request. Courtesy renewal applications are mailed out 90 days prior to your license expiration date. It takes 30 days to process an application for waiver.

If your Request is Denied

If your request for waiver is denied, you will be required to complete all CE hours, including any mandatory coursework, prior to renewing your license in an active status. If you are unable to complete your CE hours prior to your expiration date, consider renewing your license as inactive. This will help you avoid a delinquency fee. You may reactivate your license once you have completed the CE. It is against the law to practice on an inactive or delinquent license.

If your Request is Approved

You must complete the 6-hour course in Law and Ethics prior to renewing your license with an active status.

Notice of Collection of Personal Information:

The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on the attached forms as authorized by Business and Professions Code sections 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” waiver of the Board’s continuing education requirements.

Submission of personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for 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:

- 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, as permitted by the Information Practices Act. 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., Sacramento, CA 95834 or (800) 952-5210 or email dca@dca.ca.gov.

STATE OF CALIFORNIA – BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY Gavin Newsom, Governor

Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830
www.bbs.ca.gov

REQUEST FOR TEMPORARY 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~~. Allow 30 days for processing.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

NOTE: The 6-hour Law and Ethics course CANNOT be waived

~~*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:~~ EMAIL ADDRESS (OPTIONAL):

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 REQUEST: (Check √ one box only)

☐ **Health – Self** ~~*(Complete Part 2)*~~

☐ **Health-Primary Caregiver of Immediate Family Member** ~~*(Complete Part 2)*~~

~~☐ **Military** *(submit proof)*~~

~~☐ **Out of Country** *(submit proof)*~~

APPLICANT NAME: Last First Middle

Part 2 – To be completed by licensee ~~to explain~~ regarding own medical condition or disability~~.~~
~~Please attach extra sheets if necessary.~~

1. ~~Provide a detailed description of the~~ What is your diagnosed physical or mental disability or medical condition(s) ~~and an explanation as to how the disability or medical condition limits one or more major life activities.~~?

_____

_____

2. Did your condition(s) substantially limit your ability to perform one or more life activities for at least one year during your current renewal cycle? ☐ Yes ☐ No

3. Did your condition cause your earned income to drop below the "substantial gainful activity" amount for the non-blind during that year, as set by the Social Security Administration? ☐ Yes ☐ No

4. Attach both of the following:

- ~~completed~~ Completed (by physician or psychologist) "Request for Temporary 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]); and,

- Proof of all income earned from work activity during the (minimum) one-year period of disability. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity.

~~3. What type of accommodation are you requesting?~~

~~☐ **Total Exception from 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. Explain how another accommodation would allow you to comply with the continuing education requirements.~~

_____

_____

_____

_____

_____

APPLICANT NAME: Last First Middle

PART 3 – To be completed by licensee regarding immediate family member's disability

1. What is your immediate family member's name? _____
2. What is your relationship to your family member? _____
3. What is your immediate family member's diagnosed physical or mental disability or medical condition(s)?

   _____

   _____

4. Was your immediate family member both unable to work and unable to perform activities of daily living without substantial assistance (such as housework, shopping, meal preparation, eating, bathing or dressing) for at least one year during your current renewal cycle? ☐ Yes ☐ No
5. Were you the primary caregiver for your immediate family member for at least one year during your current renewal cycle? ☐ Yes ☐ No
6. Attach completed (by physician or psychologist) "Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition~~,~~" Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]).

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 attachments ~~is~~ are true and correct. I hereby certify that for at least one year during my previous license renewal period I was unable to complete the continuing education requirements due to one of the reasons listed in Title 16, California Code of Regulations section 1887.2. I understand that ~~P~~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 the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b), 4992.3(b) and 4999.90(b).*~~

EXCEPTIONS FROM THE CE REQUIREMENT

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 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 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 transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. 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. 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: 1625 North Market Blvd., Suite S-200, Sacramento, CA 95834 or (916) 574-7830.

Exception Regulation, 16 CCR Section 1887.2(c)

(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," Form No. 37A-635 (Rev 03/10) 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 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. 37A-636 (New 03/10).

How to Request Exception

To request an exception, complete the form on the reverse side 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 Board may accept a written statement from your physician or psychologist in lieu of completing Part 2, 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 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, 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.*

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.

Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830
www.bbs.ca.gov

REQUEST FOR TEMPORARY 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)~~ _____
_____

(Please type or print clearly in ink)

Part 1 – To be Completed by Applicant/Licensee

~~*~~NAME: Last First Middle

~~BUSINESS~~ TELEPHONE:	~~RESIDENCE TELEPHONE:~~ EMAIL ADDRESS (OPTIONAL):

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 REQUEST: (Check √ one box only)

☐ **Health – Self:** *(Complete Part 2)*

☐ **Health-Primary Caregiver of Immediate Family Member:** *(Complete Part ~~2~~3)*

Name of Immediate Family Member: _____

Part 2 – Health - Self
To be Completed by Attending Physician/Psychologist

1. ~~Provide a detailed 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 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.~~ What was the individual's diagnosed physical or mental disability or medical condition(s)?

_____

_____

APPLICANT NAME: Last First Middle

2. Did the condition(s) substantially limit the individual's ability to perform one or more life activities?
☐ Yes ☐ No

3. Approximate date disability/medical condition began: _____
~~Disability/medical condition is ☐ Temporary ☐ Permanent~~

4. Approximate date disability/medical condition resolved, if applicable: _____
~~If Temporary, approximate date licensee will be able to resume his/her continuing education: _____~~

~~3. Is licensee limited in working in his/her licensed capacity? ☐ Yes ☐ No~~
~~If Yes, please explain limitations:~~ _____

Part 3 – Health – Immediate Family Member
To be Completed by Attending Physician/Psychologist

1. Immediate Family Member's Name: _____

2. What was the family member's diagnosed physical or mental disability or medical condition(s)?
_____
_____

3. Was the family member unable to work for at least one year during the period of disability? ☐ Yes ☐ No

4. Was the family member unable to perform activities of daily living without substantial assistance for at least one year during the period of disability? ☐ Yes ☐ No

5. Approximate date disability/medical condition began: _____

6. Approximate date disability/medical condition resolved, if applicable: _____

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)***~~

EXCEPTIONS FROM THE CE REQUIREMENT

***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 Sections 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 the Board's continuing education (CE) 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 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 transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.*

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a request for exception from or reasonable accommodation for the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (Revised 03/10), 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 the 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 military service; or,

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country.

(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).

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. 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.

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Attachment H

Social Security Administration
Disability and Substantial Gainful Activity (SGA)

Definition of Disability

The law defines disability as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

https://www.ssa.gov/disability/professionals/bluebook/general-info.htm

Determinations of Substantial Gainful Activity (SGA)

To be eligible for disability benefits, a person must be unable to engage in substantial gainful activity (SGA). A person who is earning more than a certain monthly amount (net of impairment-related work expenses) is ordinarily considered to be engaging in SGA. The amount of monthly earnings considered as SGA depends on the nature of a person's disability. The Social Security Act specifies a higher SGA amount for statutorily blind individuals; Federal regulations specify a lower SGA amount for non-blind individuals. Both SGA amounts generally change with changes in the national average wage index.

https://www.ssa.gov/oact/cola/sga.html

SGA Amounts for 2019

The monthly SGA amount for statutorily blind individuals for 2019 is $2040. For non-blind individuals, the monthly SGA amount for 2019 is $1220.

https://www.ssa.gov/oact/cola/sga.html

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ATTACHMENT I

California Association of Marriage and Family Therapists
7901 Raytheon Road, San Diego, CA 92111-1606
Phone: (858) 292-2638 | Fax: (858) 292-2666 | www.camft.org

RECEIVED
MAR 26 2018
BOARD OF BEHAVIORAL SCIENCES

March 22, 2018

Christy Berger
Regulatory Analyst
Board of Behavioral Sciences
1625 North Market Blvd., Suite S-200
Sacramento, CA 95834

RE: Proposed Revisions to Continuing Education Regulations, Title 16 §§ 1887 through 1887.15

Dear Ms. Berger:

On behalf of our more than 31,000 members, the California Association of Marriage and Family Therapists ("CAMFT") would like to comment on the proposed revisions to the Continuing Education Regulations as presented to the Policy and Advocacy Committee on February 9th,e 2018. We would also like to propose further revisions for the Committee and the Board's consideration.e

Section 1887 Definitions (a)

Under the current regulations, 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 or 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.

In recognition of learning research which demonstrates the efficacy of the microlearning process and a need for greater flexibility in how CE courses are taught[i], CAMFT asks the BBS to consider revising the definition of a continuing education course to mean a form of systematic learning *at least 15 minutes in length*. Regulatory bodies across the country are changing definitions of continuing education units to allow credits for microlearning opportunities. The State Bar of California allows lawyers in the state to collect Minimum Continuing Legal Education (MCLE) units in 15-minute increments. CAMFT believes psychotherapists would benefit from having access to short, timely and focused learning opportunities whenever changes to the laws, regulations or ethical standards that guide the practice of psychotherapy occur.

Section 1887.2 Exceptions from Continuing Education Requirements proposed (d)

The BBS is proposing adding (d) which states that licensees who are granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in Law and Ethics required by section 1887.3.

CAMFT is concerned that this proposed change constitutes an undue burden on licensees. Licensees are only granted temporary waivers under very limited circumstances such as a physical or mental disability or medical condition that substantially limits their ability to practice and complete the required hours of continuing education. We are concerned that licensees who qualify for the waiver will not have the ability to meet this requirement due to a need to focus on their health and recovery, the health and recovery of a loved one or their military service.

Section 1887.3 Continuing Education Course Requirements proposed (c)

CAMFT would like the BBS to clarify in this section whether a course on law and ethics that is also designed to meet supervisor training requirements pursuant to Article 3, 4 or 6 counts toward not only meeting the law and ethics continuing education requirement but also toward the 6-hour supervision course requirement for those licensees who wish to maintain their status as qualified supervisors (i.e. can licensees count the 6-hour law and ethics course that also meets the supervision training requirements toward the 6-hour law and ethics requirement AND the 6-hour supervision training requirement)?

Section 1887.4.0 Continuing Education Course Content (a)

This section currently states "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."

CAMFT proposes revising the section to read: "Courses shall meet the requirements, relevant to each scope of practice, as set forth in Sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. We believe this addition helps to clarify the code section references.

Section 1887.4.0 Continuing Education Course Content (b)

This section requires that the content of CE courses be based upon methodological, theoretical, research or practice knowledge base. CE providers often struggle to understand what this section means. CAMFT asks that the BBS offer some guidance regarding the definition of these terms by adding definitions of methodological, theoretical, research or practice knowledge bases under Section 1887.

CAMFT asks the BBS to provide further clarification to this sub-section as it is currently vague and unclear and is the source of a lot of confusion and questions.

Section 1887.4.0 Continuing Education Course Content (c)

This section currently states:

"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."

CAMFT proposes revising this section to read:

"Each continuing education course shall have: (1) A syllabus that contains one or more written educational goals and specific learning objectives that ~~are measurable and~~ serve as a basis for an evaluation of the effectiveness of the course and a general outline with the main points for each topic; (2) an evaluation mechanism that allows each participant to evaluate the continuing education course~~;~~ and assess the achievement of the learning objectives; ~~(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 a syllabus that provides a 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.~~

CAMFT is proposing these revisions because we view the content of sections (c)(1) and (c)(3) and sections (c)(2) and (c)(4) as being very similar. We are proposing these revisions as a way of clarifying and streamlining the course content documentation requirements.

Section 1887.4.1 Board-Recognized Approval Agencies (a)

CAMFT would like the Board to alphabetize the list of board-recognized approval agencies.

Section 1887.4.3 Continuing Education Provider Responsibilities (a)(3)

CAMFT would like the Board to alphabetize the list of board-approved continuing education providers.

Removal of Section 1887.9 Course Advertisements

Although we recognize that this regulatory section is only applicable to the short list of board-approved providers listed in Section 1887.4.3, CAMFT includes the requirements set forth in this provision as part of our minimum requirements for the providers we approve through our Continuing Education Provider Approval (CEPA) program. We are concerned that the removal of all requirements for course advertisements will make it even more difficult for licensees to discern whether courses they are interested in taking for continuing education credits are being offered by properly approved CE providers (i.e. CE providers that have either been approved by the Board or approved by one of the Board-recognized approval agencies).
CAMFT fields numerous phone calls from members every day asking whether the courses they want to take meet the continuing education requirements and whether the courses are appropriate for them (i.e. whether the continuing education courses cover topics relevant to the scopes of practice of LMFTs, LCSWs, LPCCs, and LEPs).

Instead of removing the section altogether, CAMFT asks that the Board revise Section 1887.9 to apply to all providers and to require that those providers include the following information in any course advertisements:

(a) The provider's name
(b) The provider's number
(c) A statement that the "course meets the qualifications for [insert number] hours of continuing education credit for [insert license type or types] as required by the California Board of Behavioral Sciences."

(d) A statement that "[insert organization/provider name] is approved by [insert the Board of Behavioral Sciences or the name of the Approval Agency] to sponsor continuing education for [insert the title(s) of the target audience]. [insert organization/provider name] maintains responsibility for this program/course and its content."

CAMFT believes this proposal is a reasonable means of addressing licensees' confusion about whether continuing education offerings meet the minimum requirements.

Section 1887.10 Course Instructor Qualifications

While we recognize this regulatory section is only applicable to the short list of board-approved providers listed in Section 1887.4.3, CAMFT includes the requirements set forth in this provision as part of our minimum requirements for the providers we approve through the Continuing Education Provider Approval program. We believe the requirements set forth in this section are a necessary and reasonable means of ensuring that continuing education courses are taught by qualified providers. CAMFT asks that the Board consider maintaining the provision as a minimum requirement for all CE providers. Without this requirement, an approval agency could

decide that any person is qualified to teach a course to psychotherapists and that has the potential to jeopardize the quality of CE offerings.

CAMFT's overarching concern with the proposed changes is the effect that eliminating a majority of the minimum requirements for CE courses will have on the quality of CE provider approval programs and, ultimately, the quality of CE programs being offered by approved providers. A review of the current approval agencies' continuing education provider approval programs evidences a glaring lack of consistency in how CE provider programs are judged. This lack of consistency is causing confusion and consternation among providers. CAMFT believes having key requirements in the law is essential to maintaining the overall quality of CE course offerings available to licensees.

Thank you for your consideration of our comments and concerns. We look forward to continuing our discussion about these important continuing education requirements.

Sincerely,

Sara Jasper

Sara Jasper, JD
Staff Attorney

Nabil El-Ghoroury, PhD, CAE
Executive Director

[1] Associations Now 1-2 2018

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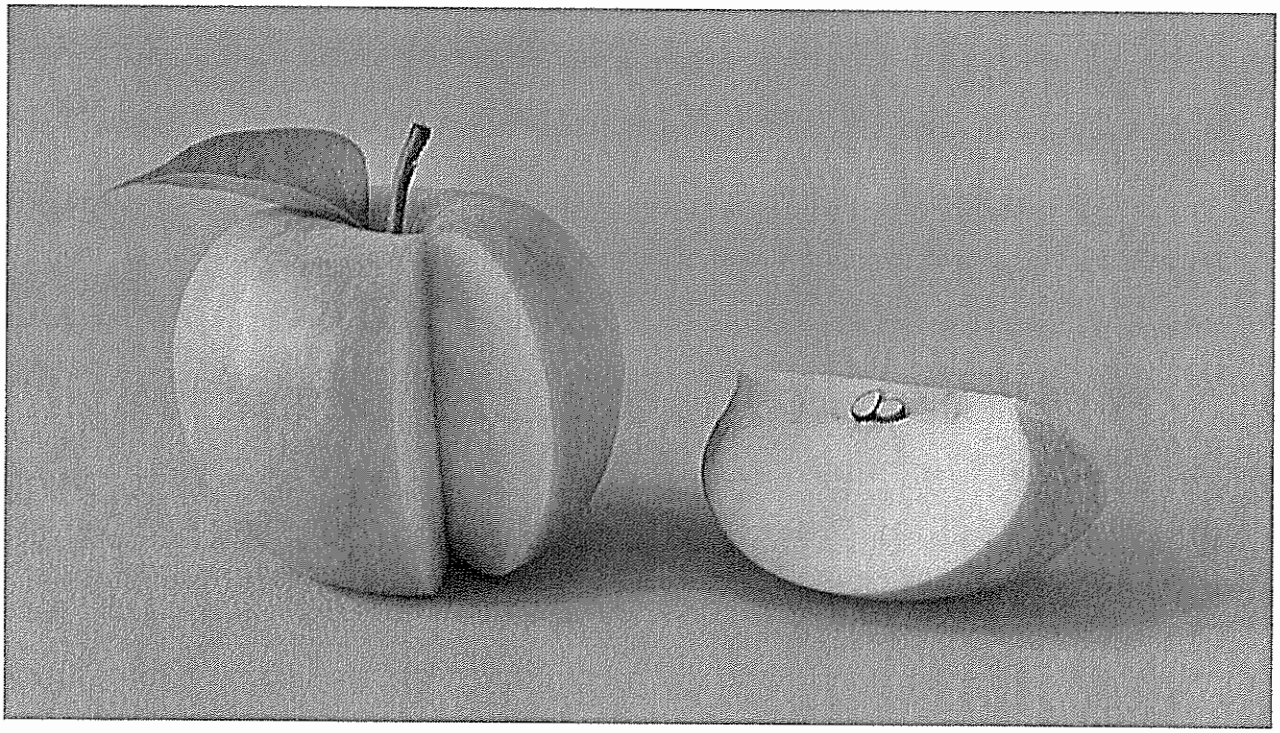
The Center for Association Leadership

Microlearning: Responding to New Learning Styles



Associations Now | January/February 2018 Issue
By: Mark Athitakis

Attention spans are shrinking, mobile use is expanding, and the need to update skills is constant. Microlearning is a response to the new demands of lifelong learners.

About This Series

This article is part of an *Associations Now* special report, "20/20 Foresight," exploring six of 41 drivers of change identified in the ASAE Foundation's ForesightWorks research initiative.

Read More

Education is an endlessly disrupted technology: In a matter of decades it's gone from rote memorization to interaction, physical classrooms to MOOCs, four-year programs to just-in-time training. So microlearning—delivering education in small bursts, often via video—is just the latest shift in an ever-shifting landscape. Attention spans are shrinking, mobile use is expanding, and the need to update skills is constant as tools and technology upgrade more often.

Content, Learning, and Knowledge

- Higher Education 3.0
- Mentoring 2.0
- **Microlearning**
- New Journal Models
- Rejection of Expertise
- Virtualized Meetings

Microlearning makes a lot of sense for many associations. But when the Ohio Society of CPAs began to pursue its own microlearning program, it ran into a force that's less quick to adapt: regulation.

Scott D. Wiley, FASAE, CAE, president and CEO of OSCPA, wanted to ensure that the short videos it was delivering through its Quick Byte series would be accepted for continuing-education credits. But in 2014, when the association began exploring microlearning, accountancy boards only accepted learning delivered in increments of an hour or more.

> **Learning research demonstrates that digestible, smaller chunks are a better way to acquire and retain knowledge.**
>
> **—Scott D. Wiley, FASAE, CAE**

After several months of appeals by OSCPA to the Accountancy Board of Ohio, the state approved a new rule allowing increments as short as 10 minutes to be credited. "We demonstrated that the learning environment is changing significantly, and learning research demonstrates that digestible, smaller chunks are a better way to acquire and retain knowledge," Wiley says.

Ohio was the first state to allow credits for microlearning for CPAs; since then, 13 more have followed suit. Wiley expects the number to grow further, if only because the learning style of younger professionals will demand it.

Small Is Powerful

According to research at Germany's Dresden University of Technology, learners who used microlearning techniques **tested *22%* better** than learners taught using more conventional long-form learning blocks.

Source:*Journal of Educational Computing Research*

"Five years ago, two-thirds of our members would have been boomers and Silent Generation," he says. "Today, two-thirds of our membership is made up by gen X, gen Y, and gen Z. Creating an experience that's relevant and meets the needs and expectations of a new generation, I think, is critical."

Those demographics have also been on the mind of Hannes Combest, CAE, CEO of the National Auctioneers Association, for the past year. "When I came in nine years ago, I was told that NAA was dying, that the auction industry was dying," she says. "The average [member] age was 55."

She, too, was alert to the shift to shorter, video-based training. But NAA doesn't have the resources of a large professional society—it serves 3,800 members with a $2.4 million annual budget—but it's begun to create a microlearning platform by encouraging members to be part of the solution.

In February, NAA will launch a microlearning site with about 10 videos, with 10 to 15 more added each year. A task force identifies topics it wants to cover and solicits members to produce them. Some training is involved—one of the first videos is about how to shoot video—but Combest says the program meets members where they already are. Many members focus on online auctions, where quality videography and photography are essential. "While they may not be professionals in video production, they are professionals in terms of taking videos," she says.

Timing

Stage: Growth stage, in a period of rapid expansion

Speed: Should move rapidly, especially for niche education and training

That work helps further alleviate some of those aging-member concerns Combest faced when she came aboard. The average NAA member age is still 55, but its median age is 45, and she believes microlearning can help further connect with those younger members.

"What we have to do in order to continue to be healthy is make sure we're paying attention to what their needs are," she says.

Wiley anticipates that to serve those needs, future microlearning platforms will need to be more responsive. OSCPA's Quick Byte series is an optimal way to get members up to speed on rule changes, but other content needs may require other formats. And it may be that 10 minutes is practically an epic film when it comes to learning.

"On YouTube, the best videos are often the ones that are two or three minutes," he says. "We're thinking about how can we get [Quick Byte videos] down to a five-minute increment, to make sure we're actually capturing people's attention."

Tags:

E-LEARNING

MEMBER ENGAGEMENT

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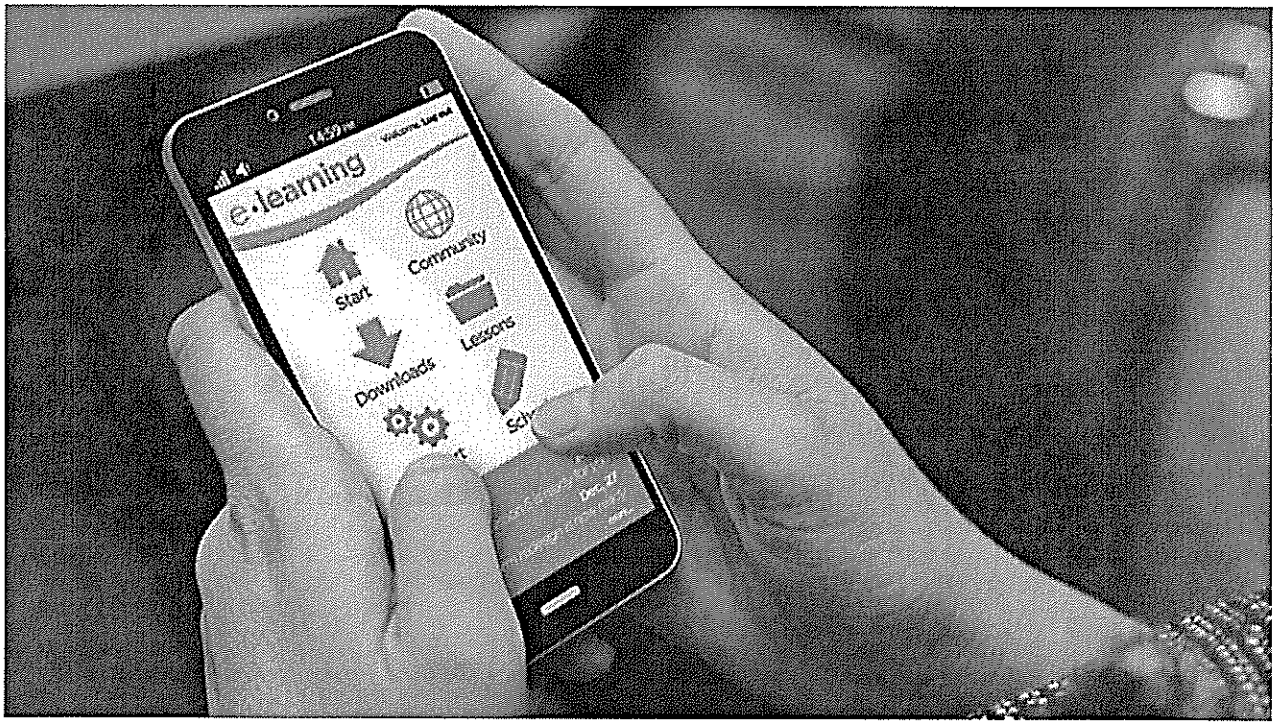
How Healthcare Associations May Benefit From Microlearning



December 19, 2018
By: Lynette Bradley-Baker

Bite-sized learning allows people to learn at their own pace and on their own schedule. Associations, particularly those in the healthcare industry, and their members could benefit from implementing it.

A primary focus of many associations is providing education and training opportunities to their members. And, similar to other industries, associations have also started to explore and experiment with the modality and length of these opportunities.

One such teaching method is microlearning, where content is delivered to the learner in small or "bite-sized" timeframes that are tied to a specific learning outcome. ASAE's **ForesightWorks initiative** defines microlearning as small, specific bursts of information tied to immediate job demands, available at a time of one's choosing—therefore, the learner is in charge of his or her learning.

Microlearning is an option for nontraditional learners and those who have different styles of learning. Plus, since it is focused and provides information that can be absorbed in a short period of time, it works well for our fast-paced, time-starved society. **A 2015 survey by Microsoft** concluded that the average attention span of adults had fallen to eight seconds, down from 12 seconds in 2000.

Modern technology enables microlearning to be delivered in formats that are interactive, online, and mobile. In addition, there are programs and tools available to enable the conversion or augmentation of existing content into microlearning material. While microlearning is seen as a positive innovation, there are aspects of it for associations to consider.

> **Microlearning is an option for nontraditional learners and those who have different styles of learning.**

For example, as with other platforms, microlearning should be a part of the educational, strategic, or operational strategy for an association. The method deserves the same amount of planning as any other educational or training program produced by an association, and in some instances, may require additional steps in planning and developing integrated or interactive modalities.

There are also multiple questions to consider when developing and integrating microlearning into an association's plan:

- Who is the target audience(s)?
- What content will be utilized?
- How will the learning be implemented?
- What resource(s) are necessary for implementation?
- What format(s) will be utilized?
- What is the timeline for it being implemented?
- How will microlearning be assessed for knowledge capture and participant satisfaction?

The Benefits of Microlearning in Healthcare Associations

While microlearning implementation and strategy requires work, it can assist associations in many ways. From a member perspective, microlearning provides an additional avenue to receive education and training from their association, and it expands the opportunities for learning outside of the traditional in-person meeting. It can also provide an opportunity for members to share their knowledge and experiences with others.

From an association perspective, microlearning provides many mechanisms to relay information to members. Microlearning modalities that are available include podcasts, shorter-than-traditional webinars, webcasts, infographics, active-learning case studies, and exercises. Microlearning also provides an opportunity to repackage or repurpose content. For example, a 60-minute session at an educational meeting could be repurposed into several short podcasts or a 20-minute webinar that is focused on the main ideas from that session. Microlearning can also serve as a nondues revenue opportunity or member recruitment tool.

One way healthcare associations can utilize microlearning is to provide continuing professional development that members may need for recertification or licensure renewal. The American Board of Anesthesiology has instituted an interactive tool that replaces the decennial Maintenance of Certification in Anesthesiology (MOCA) Examination, which is one of the requirements needed to maintain certification.

More About Microlearning

ASAE's Healthcare Community Committee is planning a series of micro-webinars on the subject of microlearning for 2019. More information will be made available on **Collaborate** in early 2019.

The **MOCA Minute** consists of multiple-choice questions like those typically on the MOCA exam and allows diplomates of ABA to answer 30 questions per calendar quarter. This tool allows diplomates to assess their knowledge, fill knowledge gaps, and demonstrate their proficiency over time and promotes continuous learning and knowledge retention.

In 2019, the American Association of Colleges of Pharmacy will be offering a series of 30-minute webinars on specific topics related to pharmacy education accreditation standards and professional practice issues. Not only will these webinars be shorter than most traditional webinars, but they will also have continuing pharmacy education (CPE) credit that pharmacists need for their professional license renewal. These webinars will be recorded for those members not able to participate in the live webinar and the CPE credit option will be available.

ASAE ForesightWorks challenges associations to embrace their role in defining, developing, and delivering microlearning content. Microlearning is a viable option for associations to consider for providing new or enhanced educational alternatives for their members. It is advisable to start small with integrating, implementing and evaluating microlearning into association planning and educational efforts. Ultimately, microlearning can provide additional value to members and serve as an important source of information, education, and training.

Tags:

E-LEARNING

CREDENTIALING

MOBILE TECHNOLOGY

Lynette Bradley-Baker

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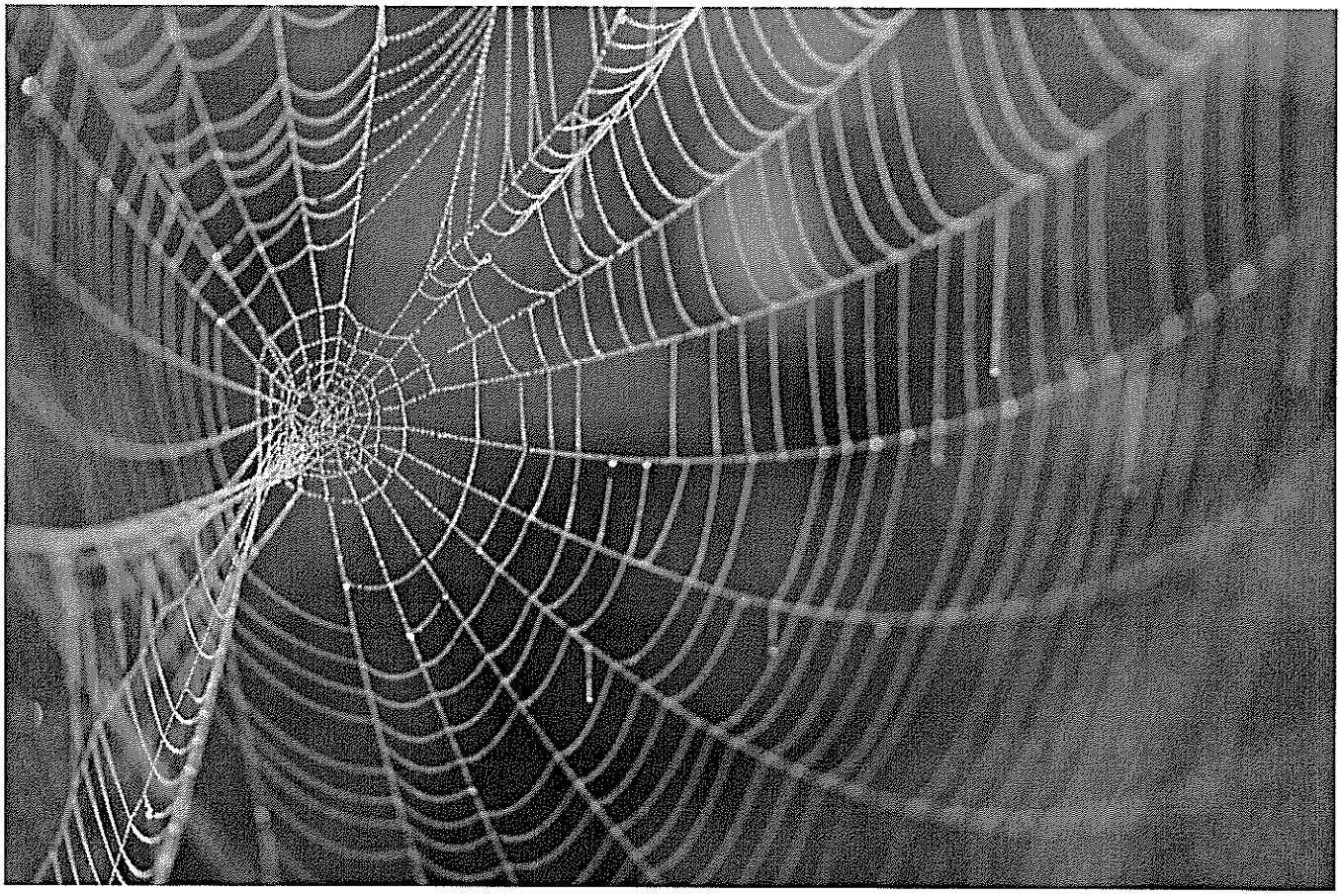
Microlearning • Science

Why Microlearning Drives Over 20% More Information Retention Than Long-Form Training

3 years ago • by Grovo • 5,564 Views • 6 min read



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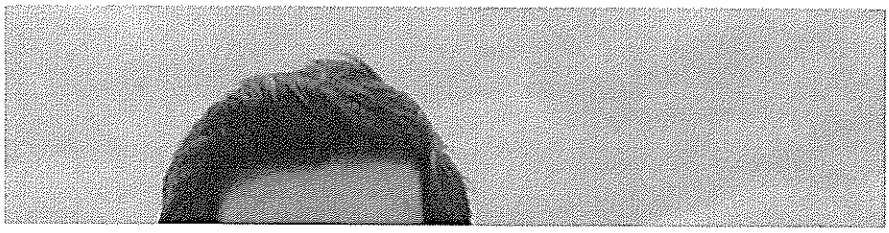
Written by Grovo

The world of enterprise L&D has yet another reason to be buzzing about microlearning. As if the potential to transform behaviors and organizations wasn't intriguing enough, a new study out of Germany indicates that short content drives over 20% more information retention. The excitement never stops, does it?

The reason (and the irony) behind microlearning's superior information retention is that as a method, microlearning is basically unconcerned with information transfer. The kind of learning you did in school, where you learned things from a book and had to apply them towards a test, is not what microlearning designs to achieve. But in the process of doing its day job—helping learners build successful behaviors—microlearning moonlights as a pretty good transmitter of information, too. Here's the story.

The study

In December 2015, researchers at Germany's Dresden University of Technology released a study that examined whether online learners performed better on multiple-choice assessment questions ("learning questions") that were frequent and fine-grained or infrequent and blocked.



Dr. Felix Kapp, the study's lead author

In other words: the format of most e-learning is a piece of content followed by an assessment question. The team's goal was to see if learners answered those follow-up questions better when they watched many small pieces of content and answered many corresponding questions, or when they watched big chunks of content and saw few assessment sections.

To do this, the researchers divided a 16-chapter online text into three sizes. The "fine-grained" group of learners answered a learning question after reading every single chapter; the "medium-grained" group answered four questions after reading four chapters; and "blocked" learners got eight questions after each half of the digital text. After all of this, the participants all took the same multiple choice test covering the whole lesson. (The topic was patent law, if you were wondering.)

The results were clear: smaller slices of content were better. Not just for helping the participants retain the information, either, but to do it more efficiently as well.

- The fine-grained group took 28% less time to answer their assessment questions than the blocked group, yet did 20% better

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- Fine-grained performed 8% better on the comprehensive test than blocked
- Learners in the blocked group had to re-read more than 3x the number of sections that the fine-grained group did

Overall, across the three scoring measures in the study, **fine-grained performed 22.2% better than the blocked group** and 8.4% better than the medium-grained group. The fine-grained group, with their "micro" content and frequent assessment questions, fared better than both competing groups in every category. From this study, it would appear that bite-sized content is, indeed, better.

Why is bite-size better?

The researchers mentioned two dynamics potentially in effect. First, the larger amount of material and questions given to the blocked group might have "put greater demands on learners," resulting in them having to do more work to "access necessary information from their memory." In other words, stockpiling information slowed down the process of retrieving it. Sounds familiar.

Second, the blocked group could have suffered from having less feedback than the medium and fine groups: "Longer study phases without learning questions may lead to uncertainty about whether they have understood all relevant content or not."

Bingo.

The importance of being interactive

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The problem with giving people a ton of content at once is that there's very little interaction between the information and the learner. It's not just that long content overflows working memory and leads to insecurity within the learning environment—though both are true. More broadly, it's that learners passively drowning in information aren't able to do the active work it takes to make the information their own.

For example, knowing what you'll be expected to do with new information is crucial to being able to retain it. Consider that, in this experiment, even after the blocked group read eight sections of text, they still had no idea what the questions would be like, or the type of information they would test on, or the test's level of difficulty. These are important concerns when you're taking a test! You wouldn't want to take the SATs if you had never seen an SAT question, would you?

> A learner who asks "Will this be on the test?" is like a navigator who keeps asking "Are we there yet?"

The fine-grained group, meanwhile, had ample opportunity to interact with the learning experience. They consumed a little bit of information and immediately applied it towards a learning question. By the time they clicked through to their second helping of (highly-digestible) information, they already knew what they would be expected to do with it. That's the power of expectation-setting interactive learning.

Long-form training is notoriously poor at setting expectations because it divorces a heap of information from its application context. Think of that terrible question from classroom training: "Will this be on the test?" That's as encouraging as hearing your navigator ask "Are we there yet?"

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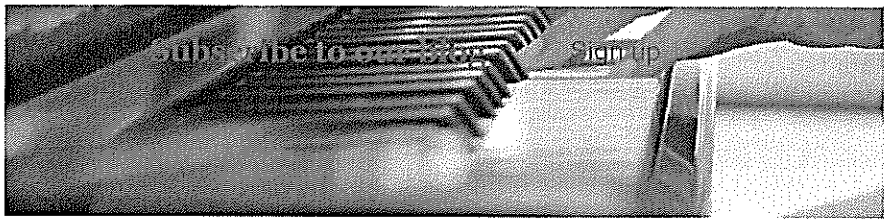
Learners that don't know what they're learning or why aren't as good as ones who are in control of the situation. Setting expectations is crucial to information retention, and it requires an active reflection not available in passive learning experiences.

The implications for microlearning

This experiment simulated genuine microlearning in that important way: it used small learning moments to create interactivity.

In the paper's opening, the researchers offered a model of learning that had three components: forethought (planning out your learning), performance (doing the learning), and reflection (thinking about how you did and how it will help your future learning). These three phases combined to form a sort of learning "cycle."

Microlearning's approach aligns with this model. It gives people digestible, relevant, interactive learning resources they can apply right away. Learners process and reflect constantly. So a microlearning moment, in this model, presents a complete learning cycle of cognitive work and reflection. And there are many microlearning moments over the course of learning something. Multiplying the number of learning cycles multiplies learning outcomes.

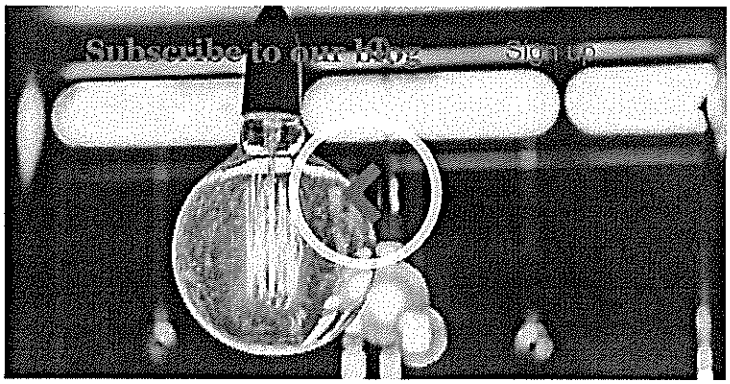


Trying to retain content without interacting with it is like memorizing a piano score without practicing.

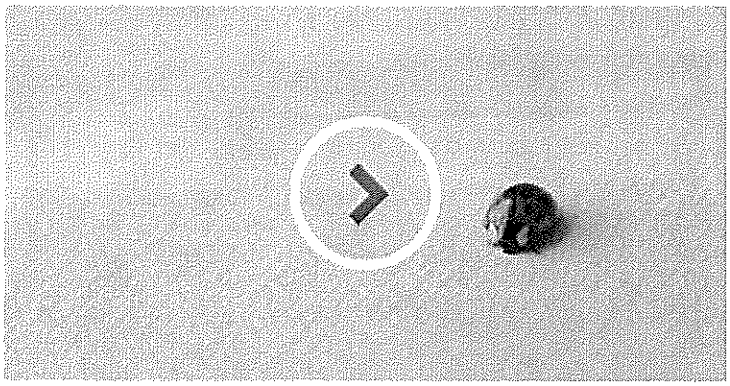
The best part of all of this is that the micro approach doesn't just help learners hold onto content. Microlearning isn't trying to innovate the textbook. It's a method of changing learner behaviors through small, participatory learning resources. Had the experiment been about behavioral learning—let's say, learning to play the piano—the fine-grained group would probably outperformed even more.

The upshot, it seems, is that the same mechanisms that transform behaviors also drive information retention. And that's something to get excited about.

Source: Kapp et al. "Distributing Vs. Blocking Learning Questions In A Web-Based Learning Environment." *Journal of Educational Computing Research* 51.4 (2015): 397-416.



How One Busy Manager Uses Microlearning to Find Focus



What is Microlearning?

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Board of Behavioral Sciences

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Memo

To: Policy and Advocacy Committee Members **Date:** July 23, 2019

From: Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

Subject: **Legislative Update**

BOARD-SPONSORED LEGISLATION

The Board is sponsoring the following legislative proposals:

1. **SB 679 (Bates) Healing Arts: Therapists and Counselors: Licensing**

   This bill proposal represents the work of the Board's License Portability Committee and seeks to remove some of the barriers to inter-state licensure. It proposes a pathway for LMFTs, LCSWs, and LPCCs who are actively licensed in another state and have been so for at least two years, to become licensed in California if they complete continuing education coursework specific to the psychotherapy environment in this state, and if they pass a California law and ethics exam.

   Status: This bill is in the Assembly Appropriations Committee.

2. **AB 630 (Arambula and Low) Board of Behavioral Sciences: Marriage and Family Therapists: Clinical Social Workers: Educational Psychologists: Professional Clinical Counselors: Required Notice**

   This bill proposes requiring all settings where psychotherapy is performed to provide clients, prior to initiating services, with a printed notice disclosing where to file a complaint about the therapist.

   Status: This bill is on third reading in the Senate.

3. **SB 786 (Senate Business, Professions, and Economic Development Committee): Healing Arts *(Omnibus Bill)*** This bill proposal, approved by the Board at its November 30, 2018 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

   The Board requested eight items be included in the bill. One item was rejected for inclusion due to being too substantive. All other requested items were included.

Status: This bill is in the Assembly Appropriations Committee.

BOARD-SUPPORTED LEGISLATION

1. **AB 8 (Chu) Pupil Health: Mental Health Professionals**

   At the time the Board considered this bill, it proposed requiring schools to employ at least one mental health professional for every 400 pupils.

   At its May 10, 2019 meeting, the Board took a "support" position on this bill.

   Since the May Board meeting, the bill was amended to require schools to employ at least one mental health professional for every 600 pupils. Additionally, by 2029, all mental health professionals providing services would need to hold a services credential with a specialization in pupil personnel services.

   Status: This is a two-year bill.

2. **AB 613 (Low): Professions and Vocations: Regulatory Fees**

   This bill would allow the Board to increase any of its authorized fees once every four years by an amount up to the Consumer Price Index (CPI) for the preceding four years.

   At its May 10, 2019 meeting, the Board took a "support" position on this bill.

   Status: This is a two-year bill.

3. **AB 769 (Smith): Federally Qualified Health Centers and Rural Health Clinics: Licensed Professional Clinical Counselor**

   This bill would allow Medi-Cal reimbursement for covered mental health services provided by a licensed professional clinical counselor employed by a federally qualified health center or a rural health clinic.

   At its May 10, 2019 meeting, the Board took a "support" position on this bill.

   Status: This bill is currently on suspense in the Senate Appropriations Committee.

4. **AB 1145 (Garcia): Child Abuse: Reportable Conduct**

   This bill would specify that voluntary acts of sodomy, oral copulation, and sexual penetration are not considered acts of sexual assault that must be reported by a

mandated reporter as child abuse if there are no indicators of abuse, unless it is between a person age 21 or older and a minor under age 16.

At its May 10, 2019 meeting, the Board took a “support” position on this bill.

Status: This is a two-year bill.

5. **AB 1651 (Medina): Licensed Educational Psychologists: Supervision of Associates and Trainees**

This bill would allow applicants for licensure as a marriage and family therapist, professional clinical counselor, or clinical social worker to gain some supervised experience hours under a licensed educational psychologist (LEP).

At its May 10, 2019 meeting, the Board took a “support if amended” position on the bill and asked that the hours an LEP is permitted to supervised be narrowed to “educationally related mental health services” only.

After the meeting, the bill was amended to accommodate the Board’s request. Therefore, the Board now has a “support” position.

Status: This bill is on third reading in the Senate.

6. **SB 163 (Portantino) Health Care Coverage: Pervasive Developmental Disorder or Autism**

This bill seeks to close some of the loopholes that insurance companies use to deny treatment for behavioral health treatment for pervasive developmental disorder or autism. It also revises the definitions of a “qualified autism service professional” and a “qualified autism service paraprofessional.”

At its May 10, 2019 meeting, the Board took a “support” position on the bill.

Since the Board considered the bill, it has undergone a number of amendments that are substantive in nature.

Status: This bill is in the Assembly Appropriations Committee.

7. **SB 601 (Morrell): State Agencies: Licenses: Fee Waiver**

At the time the Board considered this bill, it proposed allowing a board to reduce or waive fees for a license or registration, renewal, or replacement of a physical display license if the licensee or registrant could demonstrate being affected or displaced by a state or federal emergency.

At its May 10, 2019 meeting, the Board took a “support” position on the bill.

Since the Board meeting, the bill has been significantly amended. It now allows a state agency that issues any business license to establish a process following specified criteria for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency to submit an application for reduction or waiver of fees for licensure, renewal, or replacement of a physical display license.

Status: This bill is in the Assembly Appropriations Committee.

8. **SB 660 (Pan): Postsecondary Education: Mental Health Counselors**

At the time the Board considered this bill, it proposed requiring California community colleges and schools in the California State University system to hire one full-time equivalent mental health counselor per 1,500 students enrolled at each of their campuses.

At its May 10, 2019 meeting, the Board took a "support" position on the bill.

Since the Board meeting, the bill was amended. Instead of requiring the specified ratio of one mental health counselors per 1,500 students, the specified colleges are required to establish a goal of having one full-time equivalent mental health counselor per 1,500 students.

Status: This bill is in the Assembly Appropriations Committee.

BOARD-MONITORED LEGISLATION

1. **AB 544 (Brough) Professions and Vocations: Inactive License Fees and Accrued and Unpaid Renewal Fees**

This bill proposed prohibiting boards under the Department of Consumer Affairs from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration. It also proposed limiting the maximum renewal fee for an inactive license to no more than 50 percent of the renewal fee for an active license.

At its May 10, 2019 meeting, the Board opted not to take a position on this bill.

Status: This is a two-year bill.

2. **AB 1540 (Holden) Music Therapy**

This bill seeks to define music therapy in statute and to provide guidance to consumers and agencies regarding the education and training requirements of a qualified music therapist.

At its May 10, 2019 meeting, the Board opted not to take a position on this bill.

Status: This bill is enrolled and is awaiting a decision by the Governor.

3. **SB 10 (Beall) Mental Health Services: Peer, Parent, Transition-Age, and Family Support Specialist Certification**

At the time the Board considered this bill, it proposed requiring the state Department of Health Care Services (DHCS) to establish a certification body for adult, parent, transition-age youth, and family peer support specialists. It also proposed requiring DHCS to amend the state's Medicaid plan to include these providers as a provider type within the Medi-Cal program.

At its May 10, 2019 meeting, the Board took a "support if amended" position on this bill, asking for two amendments

- Specification of allowable supervisors, including (but not limited to) the Board's marriage and family therapist, educational psychologist, clinical social worker, and professional clinical counselor licensees.

- Inclusion of specific language intended to protect the practice acts of licensed clinical mental health professionals.

Since the Board considered the bill, it has been amended fairly significantly. The establishment of peer, parent, transition-age, and family peer support specialists has been consolidated into just one category: peer support specialists. An amendment to require DHCS to specify supervision standards was added to the bill. However, the Board's second requested amendment was not added.

Status: This bill is in the Assembly Appropriations Committee.

4. **SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct**

At the time the Board considered this bill, it proposed requiring health facilities, clinics, or other entities that make arrangements for a healing arts licensee to practice or provide care for patients to report allegations of sexual abuse or sexual misconduct by a licensee to the applicable state licensing board within 15 days. The reporting requirements would also extend to employees of such entities.

At its May 10, 2019 meeting, the Board discussed the bill and opted not to take a position on it. It asked staff to relay some concerns, including the lack of a specific definition of sexual abuse or misconduct, as well as a concern that the Board's Enforcement Unit would not be able to move forward with a complaint without substantiation of the incident.

This bill has been amended since the Board last considered it. The term "sexual misconduct" is now defined. Additionally, amendments were made to require allegations of sexual abuse or sexual misconduct be reported to the licensing board if the patient or the patient's representative makes the allegation in writing. The provision extending the reporting requirement to employees has been deleted.

Status: This bill is in the Assembly Appropriations Committee.

Updated: July 23, 2019

Board of Behavioral Sciences

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Memo

To: Policy and Advocacy Committee Members **Date:** July 23, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Status of Board Rulemaking Proposals**

Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

Status: DCA Initial Review

This proposal would result in changes necessary in order to meet the requirements of Assembly Bill (AB) 2138 (Chapter 995, Statutes of 2018). This proposal includes modifying the Board's substantial relationship criteria, which helps to evaluate whether a crime or act was substantially related to the profession, as well as criteria to evaluate the rehabilitation of an individual when considering denying, suspending or revoking a license. The proposal was approved by the Board at its meeting in February 2019 and was submitted to the Department of Consumer Affairs (DCA) to begin the initial review process on April 18, 2019.

Enforcement Process

Status: On Hold

This proposal would result in updates to the Board's disciplinary process. It would also make updates to the Board's "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015)," which are incorporated by reference into the Board's regulations. The proposed changes fall into three general categories:

1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017 and was submitted to DCA to begin the initial review process in July 2017. This regulation package was placed on hold due to the passage of AB 2138 and remains on hold pending passage of the AB 2138 regulations.

Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee

Status: Submitted to OAL for Final Approval

This proposal would amend the Board's examination rescoring provisions to clarify that rescoring pertains only to exams taken via paper and pencil, since all other taken electronically are automatically rescored. This proposal would also make clarifying, non-substantive changes to the Board's application abandonment criteria, and clarify the fee required for subsequent Associate Professional Clinical Counselor registrations. The proposal was approved by the Board at its meeting in November 2017, was submitted to DCA to begin the initial review process in April 2018, and was approved in January 2019 for filing with the Office of Administrative Law (OAL). The public comment period ended on April 8, 2019, and the package was submitted to DCA to initiate the final review process on April 30, 2019, and was submitted to OAL for final approval on July 22, 2019.

Supervision

Status: DCA Initial Review

This proposal would:

- Revise the qualifications to become supervisor;
- Require supervisors to perform a self-assessment of qualifications and submit the self-assessment to the Board;
- Set forth requirements for substitute supervisors;
- Update and strengthen supervisor training requirements;
- Strengthen supervisor responsibilities, including provisions pertaining to monitoring and evaluating supervisees;
- Strengthen requirements pertaining to documentation of supervision;
- Make supervision requirements consistent across the three licensed professions;
- Address supervision gained outside of California; and
- Address documentation when a supervisor is incapacitated or deceased.
- Set forth terms relating to registrant placement by temporary staffing agencies.

The proposal was approved by the Board at its meeting in November 2016 and was held aside while awaiting passage of AB 93 (Chapter 743, Statutes of 2018), the Board's supervision legislation. This proposal was submitted to DCA to begin the initial review process on April 18, 2019.

Attachments

Attachment A: DCA Regulation Process
Attachment B: BBS Regulation Timeline

ATTACHMENT A

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE

1

DCA Board/Bureau & DCA Legal
Staff works with DCA legal counsel on proposed regulation text that is subject to the Board or Bureau Chief's initial approval.

↓

DCA Board/Bureau
Board votes on proposed text and directs staff to begin regulation process.
OR Bureau Chief approves proposed text and directs staff to begin regulation process.

↓

DCA Legal
DCA legal counsel reviews regulation documents and returns documents to the Board/Bureau with approval or suggested changes. The Legal Affairs Division notifies the DCA Regulations Coordinator of the status.

↓

DCA Board/Bureau
Board/Bureau staff compile four complete hard copy sets of the regulation package and submits to DCA Regulations Coordinator.

↓

DCA Regulations Coordinator
DCA initial review process begins.

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DCA Legal/Budgets
DCA Legal Affairs Division and Budget Office review regulation documents.

↓

DCA Legal
Chief Counsel Review.

↓

DCA LRR
Deputy Director Review.

↓

DCA Executive Office
Director Review.

↓

Agency
Review.

↓

DCA Regulations Coordinator
Coordinator logs in return of packet from Agency, notifies Board/Bureau of approval or concerns and suggested changes.

↓

DCA Board/Bureau
DCA Board/Bureau submits Rulemaking for Notice/PUBLICATION with OAL*

↓

DCA Board/Bureau
Rulemaking 45-Day Public Comment Period/Hearing

Legend
DCA – Department of Consumer Affairs
LRR – Division of Legislative Regulatory Review
OAL – Office of Administrative Law

* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINAL PHASE

1 — **DCA Board/Bureau**
Review of comments received from 45-day public comment period/hearing. Determination of issuance of 15-day notice or adoption of proposed text.

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2 — **DCA Board/Bureau**
Upon adoption of language, Board/Bureau completes final rulemaking binder and delivers to DCA Legal.

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3 — **DCA Legal**
Logged by Senior Legal Analyst, sent to assigned Legal Counsel.

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4 — **DCA Regulations Coordinator**
Distributes for further DCA review.

↓

5 — **DCA Legal**
Logged by Senior Legal Analyst, reviewed by Assistant Chief Counsel and Chief Counsel.

↓

6 — **DCA LRR**
Deputy Director review.

↓

7 — **DCA Executive Office**
Director review.

↓

8 — **Agency**
Secretary review. (Section 100 changes are exempt.)

↓

9 — **Department of Finance**
Std. Form 399 for review.

↓

10 — **DCA Regulations Coordinator**
Closing paperwork. Distributed to Board/Bureau with final approval.

↓

11 — **DCA Board/Bureau**
Submits final rulemaking to OAL for review.

↓

12 — **OAL**
OAL reviews rulemaking for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.

↓

13 — **DCA Board/Bureau**
If approved: Rulemaking is complete; language takes effect on next effective date or date requested.
If disapproved: Board/Bureau decides whether to amend and resubmit or withdraw the regulatory package.

Legend

DCA – Department of Consumer Affairs
LRR – Division of Legislative Regulatory Review
OAL – Office of Administrative Law
DOF – Department of Finance
Std. Form 399 – Economic and Fiscal Impact Statement

ATTACHMENT B **BBS REGULATION TIMELINE** **JULY 22, 2019**

Regulation Package Name	Board Approval	Submitted to DCA: Initial Review	Submitted to Agency: Initial Review	Noticed	Public Hearing	Submitted to DCA: Final Review	Approved by Agency: Final Review	Submitted to DOF for Approval	Date Submitted to OAL/ Date OAL Approved
Substantial Relationship & Rehabilitation Criteria (AB 2138 Regs)	03/01/19	4/18/19	6/25/19						
Enforcement Update to Disciplinary Guidelines	3/3/17	7/11/17	9/13/18*						
Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee	11/2/17	4/6/18	9/12/18	2/22/19	4/8/19	4/30/19	6/10/19	6/13/19	Submitted 07/22/19
Supervision	11/4/16**	4/18/19							

*This package was held due to the passage of AB 2138 and continues to be on hold pending approval of AB 2138 regulations.

**This package was held pending passage of AB 93.

DCA and Agency Initial Review Process: Following review by the Board's attorney and required document preparation (Notice, Initial Statement of Reasons, Fiscal Impact), the package is submitted to the Department of Consumer Affairs' (DCA) Legislative and Policy Review Division, who routes it for approvals from the budget and legal offices, the DCA Executive Office and the State Business, Consumer Services and Housing Agency (Agency). Once approved by Agency, the Board can submit the package to the Office of Administrative Law (OAL) to publicly notice the proposed regulation change.

Notice and Public Hearing: The public notice initiates the 45-day public comment period and a public hearing. The Board must consider all comments submitted. If any substantive changes to the text of the proposal, the Board must approve the language again, and provide a 15-day public comment period. If no changes are made to the proposal, the package goes to DCA for final review.

DCA and Agency Final Review: The initial review process is repeated.

Submission to DOF and OAL for Final Approval: Both the Department of Finance (DOF) and OAL must approve the regulation package. The review may occur at the same time. However, OAL is the final approval. Once OAL approves the regulation package, the proposal is adopted, and it is assigned an effective date.