Board of Behavioral Sciences

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

Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

BOARD MEETING
Notice and Agenda

November 20-22, 2019

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.

AGENDA
Wednesday, November 20, 2019
8:30 a.m.

Department of Consumer Affairs
Board of Pharmacy Hearing Room
2720 Gateway Oaks Dr. #105
Sacramento, CA 95833

OPEN SESSION

I. Call to Order and Establishment of Quorum

II. 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)]

III. Suggestions for Future Agenda Items

IV. Petition for Modification of Probation for Olga Palmer, LMFT 47624

V. Petition for Reinstatement of License for Ruben Gabriel Colon, LCSW 29821

VI. Petition for Early Termination of Probation for Judy Brevaire, LMFT 32458

VII. Petition for Early Termination of Probation for Erin Oden, ASW 76594

VIII. Petition for Early Termination of Probation for Regina Culver, AMFT 99539

IX. Petition for Early Termination of Probation for Edana Eugena Magee, ASW 74184

CLOSED SESSION

X. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions. The Board will also, pursuant to Section 11126(a)(1) of the Government Code, meet in Closed Session to evaluate the performance of the Executive Officer.

RECONVENE IN OPEN SESSION

XI. Recess Until 8:30 a.m., Thursday, November 21, 2019

AGENDA
Thursday, November 21, 2019
8:30 a.m.

Department of Consumer Affairs
Board of Pharmacy Hearing Room
2720 Gateway Oaks Dr. #105
Sacramento, CA 95833

XII. Call to Order and Establishment of Quorum

XIII. 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)]

XIV. Suggestions for Future Agenda Items

XV. Petition for Modification of Probation for Matthew D. Woodbury, LCSW 19901

XVI. Petition for Early Termination of Probation for Ann Marie Doqui, LCSW 18354

XVII. Petition for Early Termination of Probation for Stephanie Jean Fell, LMFT 112362

XVIII. Petition for Modification of Probation for Cassandra Ruth Pacheco, LCSW 80478

XIX. Petition for Early Termination of Probation for Breanne Nichole Smith, LMFT 105848

XX. Petition for Early Termination of Probation for Brian Jacob Bass, LCSW 78872

CLOSED SESSION

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

RECONVENE IN OPEN SESSION

XXII. Recess Until 8:30 a.m., Friday, November 22, 2019

AGENDA
Friday, November 22, 2019
8:30 a.m.

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

OPEN SESSION

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

XXIV. Department of Consumer Affairs Update – DCA Director Kimberly Kirchmeyer

XXV. Consent Calendar

a. Approval of the February 28 – March 1, 2019 Board Meeting Minutes
b. Approval of the May 9-10, 2019 Board Meeting Minutes

XXVI. Board Chair Report

a. Board Member Activities
b. Introduction of New Board Member
c. Recognition of Board Staff for Years of Service
d. 2020 Board and Committee Meeting Dates

XXVII. Executive Officer Report

a. Budget Report
b. Operations Report
c. Personnel Report
d. Strategic Plan Update

XXVIII. Update on Exam Vendor Contract

XXIX. Presentation Regarding the Licensed Mental Health Services Provider Education Program – Office of Statewide Health Planning and Development

XXX. Update on 2019-2020 Sunset Review Report

XXXI. Discussion and Possible Action Regarding the Policy and Advocacy Committee Recommendations

a. Recommendation #1: Support. Proposed Technical Amendments to Business and Professions Code Sections 4980.01, 4980.43.2, 4980.43.3, 4983, 4987.5, 4989.66, 4990.30, 4996.12, 4996.14, 4996.22, 4996.23.1, 4998, 4999.22, 4999.46.1, 4999.46.2, 4999.86, 4999.123

b. Recommendation #2: Support. Proposed Legislative Amendments Needed Due to the Passage of AB 2138: Business and Professions Code Sections 4980.40, 4982, 4989.20, 4989.24, 4989.54, 4992.3, 4996.2, 4996.18, 4999.42, 4999.51, 4999.80, 4999.90

c. Recommendation #3: Support: Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees: Title 16, California Code of Regulations: Amend Sections 1805.05, 1850.6, 1850.7 and 1854; Repeal Section 1832

d. Recommendation #4: Support. Proposal to Increase Board Fees. Amend 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

e. Recommendation #5: Support. Continuing Education Requirements: Proposed Amendments to 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

f. Recommendation #6: Support. Practice Setting Definitions: Proposed Amendments to Business and Professions Code Sections 4980.01,4980.43, 4980.43.2, 4980.43.3, 4980.43.4, 4980.46, 4992.10, 4996.13, 4996.14, 4996.15, 4996.23, 4996.23.1, 4996.23.2, 4996.23.3, 4999.22, 4999.46, 4996.46.2, 4996.46.3, 4996.46.4, 4999.72: Add Business and Professions Code Sections 4980.05, 4980.06, and 4996.14.1, 4996.14.2, 4999.25, and 4999.26: Renumber and Amend Business and Professions Code Section 4999.24 (Renumber to 4999.27).

XXXII. Discussion and Possible Action Regarding Rulemaking Proposal to Amend Title 16, California Code of Regulations Sections 1806 and 1816.1: Add Section 1805.08: and Repeal Section 1816.3 - Examination Rescoring, Application Abandonment and APCC Application Fee

XXXIII. Discussion and Possible Action Regarding Proposed Revisions to Board Supervision Rulemaking Proposal to Amend Title 16, California Code of Regulations Sections 1820, 1820.5, 1821, 1833, 1833.1, 1833.2, and 1870: Add Sections 1815.8, 1820.3, 1821.1, 1821.2, 1821.3, 1833.05, 1833.1.5,

1834, 1869, 1869.3, 1870.3, 1870.5, and 1871: and Repeal Sections 1822 and 1870.1.

XXXIV. Discussion and Possible Action Regarding Comments Received Regarding Proposed Rulemaking to Implement AB 2138

XXXV. Update on Board-Sponsored and Board Monitored 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

XXXVI. Update on Board Rulemaking Proposals

XXXVII. 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)]

XXXVIII. Suggestions for Future Agenda Items

XXXIX. 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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Business, Consumer Services and Housing Agency
Department of Consumer Affairs

BOARD MEETING MINUTES

Open sessions of this Board Meeting were webcasted. Records of the webcasts are available at the following links:

February 28: https://www.youtube.com/watch?v=G7jcM9MRvWI&feature=youtu.be
March 1: https://www.youtube.com/watch?v=zZ94eXoocTI&feature=youtu.be

DATE February 28, 2019

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

TIME 8:30 a.m.

ATTENDEES

Members Present: Betty Connolly, Chair, LEP Member
Max Disposti, Vice Chair, Public Member
Dr. Leah Brew, LPCC Member
Deborah Brown, Public Member
Dr. Peter Chiu, Public Member
Alexander Kim, Public Member
Jonathan Maddox, LMFT Member
Vicka Stout, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent: Gabriel Lam, LCSW Member

Staff Present: Kim Madsen, Executive Officer
Jonathan Burke, Enforcement Manager
Sabina Knight, Legal Counsel
Christina Kitamura, Administrative Analyst

Other Attendees: Karl Engeman, Administrative Law Judge
Stanton Lee, Deputy Attorney General
See voluntary sign-in sheet (available upon request)

DRAFT

OPEN SESSION AGENDA

I. Call to Order and Establishment of Quorum

Betty Connolly, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:47 a.m. Roll was called, and a quorum was established.

II. Public Comment for Items Not on the Agenda

No comments.

III. Suggestions for Future Agenda Items

No suggestions.

Administrative Law Judge Karl Engeman presided over the following petition hearings. Deputy Attorney General Stanton Lee presented the facts of each case on behalf of the People of the State of California.

IV. Petition for Modification of Probation for Karin Karim Awad, LMFT 102646

The hearing was opened at 8:39 a.m. Karin Awad was present and represented herself. Mr. Lee presented the background of Ms. Awad's probation.

Ms. Awad was sworn in. She presented her request for modification of probation and information to support the request and was cross-examined by Mr. Lee and Board Members. The record was closed at 10:15 a.m.

V. Petition for Modification of Probation for Melissa Croley (Jones), LMFT 100851

The hearing was opened at 9:15 a.m. Melissa Croley was present and represented herself. Mr. Lee presented the background of Ms. Croley's probation.

Ms. Croley was sworn in. She presented her request for modification of probation and information to support the request and was cross-examined by Mr. Lee and Board Members. The record was closed at 11:12 a.m.

VI. Petition for Modification of Probation for Danielle Everly, AMFT 102573

The hearing was opened at 11:20 a.m. Danielle Everly was present and represented herself. Mr. Lee presented the background of Ms. Everly's probation.

Ms. Everly was sworn in. She presented her request for modification of probation and information to support the request and was cross-examined by Mr. Lee and Board Members. The record was closed at 12:08 p.m.

VII. Petition for Early Termination of Probation for Valeri Rachelle Trezise, LMFT 102694

The hearing was opened at 12:17 p.m. Valeri Trezise was present and represented herself. Mr. Lee presented the background of Ms. Trezise's probation.

Ms. Trezise was sworn in. She presented her request for early termination of probation and information to support the request and was cross-examined by Mr. Lee and Board Members. The record was closed at 12:58 p.m.

CLOSED SESSION AGENDA

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

The Board met in closed session at 12:58 p.m.

OPEN SESSION AGENDA

IX. Recess Until 8:30 a.m. on Friday, March 1, 2019

The Board reconvened in open session and recessed at 4:55 p.m.

DATE March 1, 2019

LOCATION Department of Consumer Affairs
Lou Galiano Hearing Room
1625 North Market Blvd., #S-102
Sacramento, CA 92834

TIME 8:30 a.m.

ATTENDEES

Members Present: Betty Connolly, Chair, LEP Member
Max Disposti, Vice Chair, Public Member
Dr. Leah Brew, LPCC Member
Deborah Brown, Public Member
Dr. Peter Chiu, Public Member
Alexander Kim, Public Member
Jonathan Maddox, LMFT Member
Vicka Stout, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent: Gabriel Lam, LCSW Member

Staff Present: Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Jonathan Burke, Enforcement Manager
Sabina Knight, Legal Counsel
Rosanne Helms, Legislative Analyst
Christina Kitamura, Administrative Analyst

Other Attendees: Karl Engeman, Administrative Law Judge
Patricia Heim, Deputy Attorney General
See voluntary sign-in sheet (available upon request)

OPEN SESSION AGENDA

X. Call to Order and Establishment of Quorum

Ms. Connolly called the meeting to order at 8:39 a.m. Roll was called, and a quorum was established.

Administrative Law Judge Karl Engeman presided over the following petition hearings. Deputy Attorney General Patricia Heim presented the facts of each case on behalf of the People of the State of California.

XI. Petition for Modification of Probation for Agustin Ulysses Garcia, AMFT 104127

The hearing was opened at 8:41 a.m. Agustin Garcia was present and represented himself. Ms. Heim presented the background of Mr. Gonzalez's probation.

Mr. Garcia was sworn in. He presented his request to modify probation and information to support the request and was cross-examined by Ms. Heim and Board Members. The hearing was closed at 9:35 a.m.

XII. Petition for Early Termination of Probation for Terresa Jeanne Lauer, LMFT 47862

The hearing was opened at 9:46 a.m. Terresa Lauer was present and represented herself. Ms. Heim presented the background of Ms. Lauer's probation.

Ms. Lauer was sworn in. She presented her request for early termination of probation and information to support the request and was cross-examined by Ms. Heim and Board Members.

The Board went off record and entered closed session at 10:18 a.m. The Board reconvened at 10:29 a.m. The record was reopened at 10:32 a.m. and cross-examination resumed.

The record was closed at 10:37 a.m.

CLOSED SESSION AGENDA

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

The Board met in closed session at 10:37 a.m.

OPEN SESSION AGENDA

The Board reconvened in open session at 11:48 a.m. Items XIV and XV were taken out of order.

XIV. Department of Consumer Affairs Update

a. Status of Consumer Affairs Update
b. Other Departmental Activities

Karen Nelson, Assistant Deputy Director of Department of Consumer Affairs (DCA) Office of Board and Bureau Services, presented department updates:

- DCA retained KH Consulting to conduct the Executive Officer salary study. The project is expected to be completed by the end of March. KH Consulting is drafting the final report, which will be reviewed by the department. A final copy will be shared with all DCA programs.

- DCA convened nine Licensing and Enforcement Workgroup meetings, three Substance Abuse Coordination Committee meetings, four Director's Quarterly Meetings and Pro Rata Workgroup meetings, and two director's Board Member and Advisory Committee Leadership teleconferences.

- DCA's Annual Report is now available online and will provide a comprehensive view of the department's achievements.

- DCA is currently working with the Governor's appointments team regarding appointment vacancies and pending reappointments.

- 2019 is a mandatory Sexual Harassment Prevention training year. All employees and board members are required to complete this training.

- Leadership change at agency: Deputy Secretary of Business and Consumer Relations, Layla Mershidi.

XV. Presentation by Pearson VUE, Computer-Based Testing Administrator

Tom Magallanes, Executive Director for Business Development and Joel Norris, Business Development Manager presented an introduction of Pearson VUE to the Board. Pearson VUE provides testing services for many boards in the State of California.

Presentation agenda:

- Pearson VUE overview
- Solution overview
- Benefits of partnering with Pearson VUE

The entire presentation may be viewed on the Board of Behavioral Sciences meeting webcast – March 1, 2019.

XVI. Consent Calendar

a. Approval of the November 28-30, 2018 Board Meeting Minutes
b. Approval of the January 11, 2019 Board Meeting Minutes

Minor corrections on January 2019 Board Meeting Minutes were noted.

MOTION: To approve the minutes, as amended, listed on the consent calendar. Wietlisbach moved; Chiu seconded. Motion carried; 10 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Dr. Leah Brew	x				
Deborah Brown	x				
Dr. Peter Chiu	x				
Betty Connolly	x				
Max Disposti	x				
Alexander Kim	x				
Gabriel Lam				x	
Jonathan Maddox	x				
Vicka Stout	x				
Dr. Christine Wietlisbach	x				
Christina Wong	x				

XVII. Board Chair Report

a. Board Member Activities

Ms. Connolly and Ms. Madsen met with Ryan Marcroft, Legal Affairs Deputy Director. Discussed the role that Legal Affairs plays in Board activities and the new regulatory review process. Expressed concerns regarding delays and discussed the importance of timely action.

b. Recognition of Board Staff Years of Service

No report this quarter.

XVIII. Executive Officer's Report

a. Budget Report

The Board's budget for fiscal year (FY) 2018/2019 is $12.6 million. During the November Board Meeting, the budget was reported at $11 million. The increase is due to adjustments in the budget.

The Board spent 54% of its budget.

DCA transitioned to FI$Cal, a new system used for budgets, accounting, and procurements. The transition continues to be challenging in obtaining timely reports.

General Fund Loans
The Board is scheduled to receive its the final payment ($3.3 million) of the $12.3 million dollars previously loaned to the General Fund.

Governor's 2019/2020 Budget
In January, Governor Newsom released the proposed 2019/2020 California budget. Two proposals directly affect the Board. The first proposal is a Board request to permanently establish two positions in the cashiering and examination units. These positions are currently limited-term positions, which will expire on June 30, 2019. This request allows the Board to permanently retain the positions.

The second proposal is DCA's request for an additional 24.5 positions for DCA services:

- 7 positions for the Business Service Office and fiscal operations
- 8 positions for Legal Affairs
- 4.5 positions for the Division of Investigation
- 2 positions for the Office of Professional Examination Services (OPES)
- 3 permanent positions in Human Resources that are currently temporary positions.

The 6 attorney positions requested for Legal Affairs is to establish a regulations unit solely dedicated to review regulation packages.

According to the budget document, DCA indicates that it will require $5.2 million in fiscal year 2019/2020; $4.5 million in fiscal year 2020/2021; and $3.6 million in fiscal year 2021/2022 and ongoing to fund the 24.5 positions. DCA states that of the amount requested, $2.9 million dollars will be funded through pro rata. The Board's pro rata share will be $113,000.

The Board's 2018/2019 total pro rata costs are $2,627,000 (21%) of the Board's budget. The Board's 2019/2020 pro rata costs are estimated at

$2,478,000. The reduction in pro rata expenses is largely attributed to the conclusion of the BreEZe vendor contract. This $181,000 reduction in addition to other pro rata adjustments will offset the additional pro rata costs associated with the new DCA positions. These adjustments maintain the Board's pro rata costs at 21% of its budget.

b. Operations Report

Licensing Program: 2nd Quarter FY 2018/2019

- Decrease in application volumes by 46% due to non-graduation season.
- MFT examination processing times increased due to a vacancy and new staff training.
- 1,200 initial licenses were issued.
- 115,000 licensees and registrants as of January 1st.

Examination Program: 2nd Quarter FY 2018/2019

- Over 4,500 examinations were administered.
- 10 examination development workshops were conducted.

During a routine examination analysis of the LMFT Clinical Exam, OPES identified questions that were not performing as expected. A rescore of that exam was conducted. As a result, 15 candidates received a passing score. The affected candidates were notified and are all now licensed.

Board staff continues to work diligently with OPES staff to develop additional materials to add to the Board's website to better inform candidates of how items are developed for all Board examinations developed by OPES.

OPES continues work on the LMFT Occupational Analysis. A survey will be available online at the end of August 2019. The input of licensees is very important to the occupational analysis process, and the Board is inviting all LMFT licensees who are interested to participate.

Mr. Maddox: Recommended creating incentives to encourage licensees to complete the survey.

Administration Program: 2nd Quarter FY 2018/2019

The Board received 8,036 applications, a 21% decrease from last quarter.

Effective October 1, 2018, the Board revised its renewal notification process. All licensees and registrants will receive a renewal notification with instructions to renew online. As a result, online renewal activity increased 94% in the last quarter.

Enforcement Program: 2nd Quarter FY 2018/2019

- 405 consumer complaints received
- 299 criminal conviction notifications received
- 632 cases closed
- 37 cases referred to the Attorney General's (AG) office for formal discipline
- 21 Accusations and 19 Statement of Issues filed.
- 40 final citations issued
- 62 decisions adopted
- 506 average number of days to complete Formal Discipline; year-to-date average is 506 days. Performance measure is 540 days.
- 318 average number of days a case is with the AG's Office; year-to-date average is 322 days.
- 106 average number of days to complete all Board investigations; year-to-date average is 100 days.

Continuing Education Audits: 2nd Quarter FY 2018/2019

- 595 audits conducted
- 68% of the licensees passed the audit

Outreach Activity

Board staff has been engaged with the MFT consortium meetings.

Ms. Madsen and staff attended annual conferences for the National Association of Social Workers (NASW) and the California Association of School Psychologists (CASP). Ms. Madsen presented the Board's license portability framework at both conferences.

Ms. Madsen has been active with the Association of Social Work Boards (ASWB). ASWB has asked her to serve on a committee to review the method by which states contract to use the national exam. Ms. Madsen agreed to serve on the committee.

Board Move Update

Staff is expected to move next week. The expenditures for the move, paint, new flooring, and purchasing of sit/stand desks were between $435,000-$445,000.

c. Personnel Report

New Employees/Promotions

Martin Gamez: Office Technician (main receptionist) in Administration Unit as of December 2018.

Lisa Chong: Management Services Technician (licensing evaluator for Licensed Marriage and Family Therapist (LMFT)) in Licensing Unit

Sam Hall: Promoted to Associate Governmental Program Analyst (discipline analyst) in Discipline and Probation Unit.

Departures/Vacancies

Mary Hanifen, enforcement analyst: retired, effective December 2018.

Paula Gershon, licensing manager: will retire effective March 15th.

There are currently 4 vacancies: one exam manager, one half-time probation monitor, and two vacancies created by Ms. Hanifen's retirement and Mr. Hall's promotion. Recruitment efforts are underway.

d. Strategic Plan Update

The Strategic Plan was provided in the meeting materials for review.

XIX. Update on Fee Audit

In August 2018, the Board contracted with CPS HR Consulting (CPS) to provide performance auditing and consulting services to 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. In February 2019 CPS HR submitted the draft report. To complete the draft report CPS HR performed the following tasks:

- Assessed and correlated the workload for approximately 60 employees to determine an hourly or unit cost to support licensing, renewal, and enforcement activities.
- Analyzed 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, projected fees/revenues and related costs for the next three to five fiscal years.
- Determined a cost basis to assess other services provided by the Board when a separate fee is not provided, if any.

CPS HR recommended the following:

- 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.

- The Board should develop, approve and implement or introduce legislation to revise the fee schedule as soon as possible.
- In lieu of a lengthy legislative process to change future license fees, it was recommended 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 strategy now, the Board would have flexibility in setting fees in the future to ensure adequate fund reserves as revenues decline or expenses increase.

Staff will be reviewing the draft and will collaborate with CPS HR to finalize the report. The final report, along with an action plan to restructure fees, will be presented at the next board meeting.

XX. Discussion and Possible Action Regarding the Policy and Advocacy Committee Recommendations

a. Recommendation #1 Approve Additional Edits to Proposed Revisions to *Professional Therapy Never Includes Sex* Information Brochure

The Board of Psychology sponsored AB 2968, which does the following:

- Requires specified boards to work together to update the “Professional Therapy Never Includes Sex” brochure.
- Includes LEPs in the list of professionals who are required to provide the brochure to clients who have indicated sexual behavior or contact with a previous therapist.
- Includes “sexual behavior” in the provisions of the brochure and defines “sexual behavior.”

The Board of Psychology drafted updates to the brochure and has provided that proposed language to the affected boards for review and feedback.

The Committee did not request additional changes.

b. Recommendation #2 Approve Proposal to Amend Business and Professions Code Sections 4980.36 and 4980.37 Adding Clinical Mental Health Counseling Degree Title

The Board was asked to consider adding a new degree title to those accepted for licensure as an LMFT. At its August 2018 meeting, the Board approved the addition of a new title “Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling” to increase

portability of licensure to other states. However, upon further review, staff has determined that additional fine-tuning of the proposed title is necessary.

The proposed language permits a degree in either counseling or clinical mental health counseling, with an emphasis in either marriage, family, and child counseling or marriage and family therapy.

MOTION: To approve proposed language and direct staff to pursue legislation. Brew moved; Wong seconded. Motion carried; 10 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Dr. Leah Brew	x				
Deborah Brown	x				
Dr. Peter Chiu	x				
Betty Connolly	x				
Max Disposti	x				
Alexander Kim	x				
Gabriel Lam				x	
Jonathan Maddox	x				
Vicka Stout	x				
Dr. Christine Wietlisbach	x				
Christina Wong	x				

c. Recommendation #3 Approve Proposed Rulemaking to Implement Assembly Bill 2138 Substantial Relationship and Rehabilitation Criteria

AB 2138 made significant changes to the Board's enforcement process. It becomes effective on July 1, 2020. Key provisions are as follows:

- Only permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of the following are met:

  1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony defined in Penal Code (PC) §1192.7, or for those who must register as a sex offender.

  2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. The prior disciplinary action

cannot be used to deny if it was based on a dismissed or expunged conviction.

- Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request it for determining substantial relationship or evidence of rehabilitation.

- Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession. These criteria will aid the board when considering the denial, suspension, or revocation of a license. The criteria must include all of the following:

  1. The nature and gravity of the offense.
  2. The number of years elapsed since the date of the offense.
  3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.

- Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation.

- Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has been completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met.

The Board must amend its regulations in order to implement the requirements of AB 2138 by July 2020. Currently, the Board defines substantial relationship criteria and criteria for rehabilitation in regulation sections 1812, 1812, and 1814. However, AB 2138 requires the criteria to be outlined in greater detail.

Key amendments to the regulations are as follows:

1. Substantial Relationship Criteria (§1812): Includes professional misconduct in the substantial relationship determination.

2. Substantial Relationship Criteria (§1812): Includes the nature and gravity of the offense, years elapsed since the offense, and the nature and duties of the profession as criteria for determining whether a crime is substantially related.

3. Substantial Relationship Criteria (§1812): Adds language that substantially related crimes include, but are not limited to, violations of

Chapter 1 of Article 6 of Division 2 of the Business and Professions Code or violations of any of the Board's practice acts.

4. Criteria for Rehabilitation (§§1813 and 1814): The criteria for rehabilitation for denial of licensure (§1813) and for suspensions or revocations (§1814) was expanded upon based on the requirements of AB 2138, §482 and based upon guidance from the DCA Legal Affairs Division.

5. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (§1888): The Board's Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Uniform Standards) are incorporated by reference via §1888 of the regulations. A portion of Uniform Standards needs to be updated because they detail the Board's criteria for rehabilitation.

6. Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Cover page and page 38): Page 38 of this document references the Board's criteria for rehabilitation, which must be updated to directly reference the criteria as listed in section 1814 of the regulations. A section reference on this page has also been updated, and the cover page will be updated to reflect the date that the new regulations go into effect.

   Note: Regulations affecting the same text cannot be run concurrently, the urgency of the AB 2138 regulations requires that the Board's "Enforcement Process" regulations, which proposed significant and extensive changes to the Uniform Standards document, and which had been in the DCA initial review process since July 2017, must be placed on hold.

7. Required Actions Against Registered Sex Offenders (§1888.1): §480(a)(1)(A) of AB 2138 permits denial of a license for sex offense crimes that require registration pursuant to PC §290(d)(2) or (3). PC §290 outlines sex offense violations by type of offense and length of registration required.

   Regulation §1888.1 must be updated because by specifying PC 290(d)(2) or (3) for sex offense denials, AB 2138 narrowed denials for sex offenses. Therefore, §1888.1 of the regulations must be amended to reflect this.

MOTION: To approve the proposed text for a 45-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period; to follow established procedures and processes in doing so, and to delegate to the Executive Officer the authority

to make any technical or non-substantive changes that may be required in completing the rulemaking file. Brew moved; Disposti seconded. Motion carried; 10 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Dr. Leah Brew	x				
Deborah Brown	x				
Dr. Peter Chiu	x				
Betty Connolly	x				
Max Disposti	x				
Alexander Kim	x				
Gabriel Lam				x	
Jonathan Maddox	x				
Vicka Stout	x				
Dr. Christine Wietlisbach	x				
Christina Wong	x				

XXI. Discussion and Possible Action Regarding Portability Bill Proposal

This item was removed from the agenda.

XXII. Discussion and Possible Action Regarding Business and Professions Code Sections 4980.43.4, 4996.23.3, and 4999.46.4: Pre-Licensee Service Locations

This item was removed from the agenda.

XXIII. Status on Board-Sponsored Legislation

The Board is pursing 3 legislative proposals:

1. SB 679: License Portability to California

   SB 679 has been introduced. There will be minor technical amendments based on Legislative Council's changes.

2. AB 630: Board of Behavioral Sciences: Marriage and Family Therapists: Clinical Social Workers: Educational Psychologists: Professional Clinical Counselors: Required Notice

   AB 630 has been introduced.

3. Omnibus Legislation

A bill number has not been assigned yet.

XXIV. Status of Board Rulemaking Proposals

Enforcement Process

The proposal was approved by the Board in February 2017 and began the DCA initial review process in July 2017. This regulation package is currently on hold due to the passage of AB 2138.

Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee

The proposal was approved by the Board in November 2016 and was held aside while awaiting passage of the Board's supervision legislation (AB 93). DCA has recently completed the initial review process, and the proposal has been noticed and is in the 45-day public comment period. The public hearing is scheduled on April 8th.

Supervision

The proposal was approved by the Board in November 2016 and was held aside while awaiting passage of the Board's supervision legislation (AB 93). Staff is currently preparing the documents to begin the initial review process.

Registrant Employment – Temporary Staffing Agencies

The proposal was approved by the Board in November 2018. This language will be added into the Supervision Regulation package.

XXV. Public Comment for Items Not on the Agenda

Pam Kohll, licensee in New York: Expressed her gratitude to Ms. Madsen who invited her to the Board meeting; thanked the Board for recognizing the importance of portability.

Megan Bailey, Associate Clinical Social Worker: Works for a private organization that serves those primarily struggling with eating disorders. Referred to AB 93 and BPC §4996.23 – An ACSW may not be supervised by an outside clinical supervisor unless the corporation is both non-profit and charitable. She explained how this is impacting her life. She began working at this organization last July. This law went into effect on January 1st. She is requesting to be grandfathered in based on the understanding that when she began her job, the law did not exist. She has about 900 hours to complete for licensure, which must be supervised by an LCSW. She works with an

underserved population who are primarily women. Eating disorders impact all ethnicities and economic statuses. Access to this type of treatment is problematic. She requested to meet with staff to discuss further.

XXVI. Suggestions for Future Agenda Items

No suggestions.

XXVII. Adjournment

The Board adjourned at 2:47 p.m.

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	November 13, 2019
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Agenda Item XXV.b**		

Agenda item XXV.b (Approval of the May 9-10, 2019 Board Meeting Minutes) is deferred to the next meeting.

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Board of Behavioral Sciences

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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

2020 BOARD MEETING DATES

(Location to Be Determined)

March 5-6, 2020
May 14-15, 2020
August 13-14, 2020
November 5-6, 2020

2020 POLICY AND ADVOCACY COMMITTEE MEETING DATES

(All meetings will be held in Sacramento)

February 7, 2020
Thursday April 9, 2020
July 31, 2020
October 9, 2020

2020 BOARD MEETING DISCIPLINARY HEARING DATES

(If needed, the Board will meet on the following dates to conduct discipline hearings)

February 6, 2020
June 5, 2020
July 30, 2020
October 8, 2020

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2019/2020 Budget

The Board's budget for fiscal year (FY) 2019/2020 is $11,873,000. The attached expenditure log reflects the information currently available to the Board. These figures are based upon invoices received directly by the Board.

Expense Category	Amount	Percentage
Personnel	$0	0%
OE&E	$ 265,430	2.2%
Enforcement	$ 168,255	1.4%
Total Expenses	**$ 433,684**	**3.6%**

Effective September 1, 2019, the Attorney General increased the hourly rates to $220 for attorney services (previously $170); $205 for paralegal services (previously $120); and $195 for auditor and research analyst services (previously $99). The impact to the Board's budget is approximately $500,000. Board staff and the DCA Budget office are working together to ensure the Board has sufficient funding to absorb this increase.

General Fund Loans

All prior loans to the General Fund have been repaid to the Board.

Board Fund Condition

The Board's Fund Condition for FY 2019/2020 reflects a 0.9-month reserve. Absent an increase in Board fees, beginning in FY 2020/2021 the Board's projected Fund Condition is a negative 2.5 months in reserve. The Board will discuss the proposed fee increase during the November Board Meeting.

Fi$Cal Update

The DCA Budget Office reports that work to closeout FY 2018/2019 on Fi$Cal is still ongoing. As of the date of this memo, the Board has not received any updates regarding final figures for FY 2018/2019 or any reports for FY 2019/2020.

DCA ProRata/Distributed Costs Report

On July 1, 2019, DCA submitted its Annual Department of Consumer Affairs Distributed Cost Report as required by Business and Professions Code Section 201 to the Legislature. This report provides an overview of the methodology used calculating the

distribute costs as well as a summary of the costs for each board and bureau. On general, the costs are calculated based on the number of approved staff positions for each board and bureau. The costs support DCA services such as the Office of Human Resources, DCA Budget Office, Legal Services, and Information Services (IT).

For FY 2019/2020, the Board's share of costs is $2,667,000 or 22% of the Board's total budget. In FY 2018/2019, the Board's share of costs was $2,960,00 or 26% of the Board's total budget. The reduction in costs is attributed the reduced BreEZe costs.

BBS EXPENDITURE REPORT FY 2019/20

Old	Fi$Cal	OBJECT DESCRIPTION	FY 2018/19 ACTUAL EXPENDITURES	FY 2019/20 BUDGET ALLOCATION	FY 2019/20 CURRENT AS OF	FY 2019/20 UNENCUMBERED BALANCE
		PERSONAL SERVICES				
3.00	5100000	Salary & Wages (Civ Svc Perm)		3,502,000	0	3,502,000
63.00	5105000	Salary & Wages (Stat Exempt/EO)		91,000	0	91,000
33.04	5100150	Temp Help (907)(Seasonals)		0		0
63.01	5105100	Board Memb (Per Diem)		13,000	0	13,000
83.00	5108000	Overtime		2,000	0	2,000
		Totals Staff Benefits		2,195,000	0	2,195,000
		TOTALS, PERSONAL SERVICES		**5,803,000**	**0**	5,803,000
		OPERATING EXP & EQUIP				
201.00	5301400	General Expense		68,000	7,396	60,604
213.04	5301100	Fingerprint Reports		15,000	3,758	11,242
226.00	5362290	**Minor Equipment (226)**		**39,000**	**7,079**	31,921
241.00	5302900	**Printing**		**55,000**	**333**	54,667
251.00	5304800	Communication		22,000	54	21,946
261.00	5306100	**Postage**		**72,000**	**1,180**	70,820
271.00	5308300	Insurance		0		0
291.00	5320490	**Travel, In State**		**61,000**	**0**	61,000
311.00	5300890	Travel, Out-of-State		72,000	0	72,000
331.00	5322400	**Training**		**29,000**	**0**	29,000
341.00	5324350	Facilities Operations		229,000	4,201	224,799
361.00	5326900	Utilities		4,000	0	4,000
382.00	5340330	C&P Services - Interdept.		15,000	0	15,000
		C&P Services-External Contracts		**129,000**	**10,912**	118,088
		DEPARTMENTAL PRORATA/SERVICES				
424.03	5342500	Office of Information Services		1,266,000	0	1,266,000
427.00	5342500	Administrative/Executive		1,048,000	0	1,048,000
427.01	5342400	Interagency Services		1,000	0	1,000
427.10	5342400	IA with OPES		325,000	70,126	254,874
427.30	5342500	DOI Special Operations		33,000	0	33,000
427.34	5342500	Communications Division		63,000	0	63,000
427.35	5342500	Program Policy and Regulations Division		68,000	0	68,000
		INTERAGENCY SERVICES				
431.00	5346300	Information Technology		14,000		14,000
428.00	5344000	Consolidated Data Services		31,000	0	31,000
432-449	5348250	DP Maintenance & Supply		0	0	0
		EXAM EXPENSES				
343.20	5340420	Exam Site Rental (Hotel Contract/Fairfield Inn)		100,000	23,279	76,721
404.00	5340420	C/P Svcs- External Expert Administrative (PSI)		359,000	137,113	221,887
404.01	5340420	C/P Svs - Expert Examiners		45,000		45,000
434.03	5340420	C/P Svs - External Subj Matter		162,000	0	162,000
		ENFORCEMENT				
396.00	5340310	Attorney General		1,162,000	158,478	1,003,522
397.00	5340320	Office of Admin. Hearing		258,000	0	258,000
418.97	5340540	Court Reporters		15,000	4,858	10,142
414.31	5340540	Evidence/Witness Fees		95,000	4,919	90,081
427.31	5342500	DOI- Investigations Enforcement Unit		190,000	0	190,000
452-472	5362315	**Major Equipment**		**6,000**	**0**	6,000
524.00	5390870	**Vehicle Operations**		**19,000**	**0**	19,000
		TOTAL, OE&E		**6,070,000**	**433,684**	**5,636,316**
		TOTAL EXPENDITURES		**$11,873,000**	**$433,684**	**11,439,316**

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.

0773 - Behavioral Science
Analysis of Fund Condition

Prepared 7.16.2019

(Dollars in Thousands)

2019-20 Budget Act

	PY 2017-18	PY 2018-19	Budget Act CY 2019-20	BY 2020-21	BY+1 2021-22
BEGINNING BALANCE	$ 5,647	$ 5,624	$ 4,493	$ 963	$ -2,782
Prior Year Adjustment	$ -	$ -	$ -	$ -	$ -
Adjusted Beginning Balance	$ 5,647	$ 5,624	$ 4,493	$ 963	$ -2,782
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	$ 92	$ 93	$ 93	$ 93	$ 93
4127400 Renewal fees	$ 5,217	$ 5,268	$ 5,268	$ 5,268	$ 5,268
4129200 Other regulatory fees	$ 191	$ 221	$ 228	$ 228	$ 228
4129400 Other regulatory licenses and permits	$ 3,580	$ 3,637	$ 3,637	$ 3,637	$ 3,637
4143500 Miscellaneous services to the public	$ -	$ -	$ -	$ -	$ -
4163000 Income from surplus money investments	$ 54	$ 14	$ 19	$ 40	$ 31
4171400 Escheat of unclaimed checks and warrants	$ -	$ -	$ -	$ -	$ -
4171500 Escheat of unclaimed property	$ -	$ -	$ -	$ -	$ -
4172500 Miscellaneous revenues	$ 11	$ 11	$ 11	$ 11	$ 11
Totals, Revenues	$ 9,145	$ 9,244	$ 9,256	$ 9,277	$ 9,268
Transfers from Other Funds					
F00001 GF loan repayment per item 1110-011-0773 BA of 2008	$ 3,000	$ -	$ -	$ -	$ -
F00001 GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ 3,300	$ -	$ -	$ -
Totals, Revenues and Transfers	$ 12,145	$ 12,544	$ 9,256	$ 9,277	$ 9,268
Totals, Resources	$ 17,792	$ 18,168	$ 13,749	$ 10,240	$ 6,486
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 11,461	$ 12,617	$ 11,823	$ 12,059	$ 12,300
8880 Financial Information System for California (State Operations)	$ 15	$ 1	$ -3	$ -3	$ -3
9892 Supplemental Pension Payment (State Operations)	$ -	$ 100	$ 212	$ 212	$ 212
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 692	$ 957	$ 754	$ 754	$ 754
Total Disbursements	$ 12,168	$ 13,675	$ 12,786	$ 13,022	$ 13,263
FUND BALANCE					
Reserve for economic uncertainties	$ 5,624	$ 4,493	$ 963	$ -2,782	$ -6,777
Months in Reserve	4.9	4.2	0.9	-2.5	-6.0

0773 - Behavioral Science
Analysis of Fund Condition

Prepared 7.16.2019

(Dollars in Thousands)

2019-20 Budget Act with Proposed Fee Increase

		PY 2017-18	PY 2018-19	Budget Act CY 2019-20	BY 2020-21	BY+1 2021-22
BEGINNING BALANCE		$ 5,647	$ 5,624	$ 4,493	$ 963	$ 3,234
Prior Year Adjustment		$ -	$ -	$ -	$ -	$ -
Adjusted Beginning Balance		$ 5,647	$ 5,624	$ 4,493	$ 963	$ 3,234
REVENUES AND TRANSFERS						
Revenues:						
4121200	Delinquent fees	$ 92	$ 93	$ 93	$ 93	$ 93
4127400	Renewal fees	$ 5,217	$ 5,268	$ 5,268	$ 5,268	$ 5,268
	Proposed Fee Increase	$ -	$ -	$ -	$ 6,016	$ 6,016
4129200	Other regulatory fees	$ 191	$ 221	$ 228	$ 228	$ 228
4129400	Other regulatory licenses and permits	$ 3,580	$ 3,637	$ 3,637	$ 3,637	$ 3,637
4143500	Miscellaneous services to the public	$ -	$ -	$ -	$ -	$ -
4163000	Income from surplus money investments	$ 54	$ 14	$ 19	$ 40	$ 31
4171400	Escheat of unclaimed checks and warrants	$ -	$ -	$ -	$ -	$ -
4171500	Escheat of unclaimed property	$ -	$ -	$ -	$ -	$ -
4172500	Miscellaneous revenues	$ 11	$ 11	$ 11	$ 11	$ 11
Totals, Revenues		$ 9,145	$ 9,244	$ 9,256	$ 15,293	$ 15,284
Transfers from Other Funds						
F00001	GF loan repayment per item 1110-011-0773 BA of 2008	$ 3,000	$ -	$ -	$ -	$ -
F00001	GF loan repayment per item 1110-011-0773 BA of 2011	$ -	$ 3,300	$ -	$ -	$ -
	Totals, Revenues and Transfers	$ 12,145	$ 12,544	$ 9,256	$ 15,293	$ 15,284
	Totals, Resources	$ 17,792	$ 18,168	$ 13,749	$ 16,256	$ 18,518
EXPENDITURES						
Disbursements:						
1111	Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	$ 11,461	$ 12,617	$ 11,823	$ 12,059	$ 12,300
8880	Financial Information System for California (State Operations)	$ 15	$ 1	$ -3	$ -3	$ -3
9892	Supplemental Pension Payment (State Operations)	$ -	$ 100	$ 212	$ 212	$ 212
9900	Statewide General Administrative Expenditures (Pro Rata) (State Operations)	$ 692	$ 957	$ 754	$ 754	$ 754
Total Disbursements		$ 12,168	$ 13,675	$ 12,786	$ 13,022	$ 13,263
FUND BALANCE						
Reserve for economic uncertainties		$ 5,624	$ 4,493	$ 963	$ 3,234	$ 5,255
Months in Reserve		4.9	4.2	0.9	2.9	4.7

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STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Executive Office
1625 N. Market Boulevard, Suite S-308, Sacramento, CA 95834
P (916) 574-8200 F (916) 574-8613 | www.dca.ca.gov

July 1, 2019

The Honorable Steven M. Glazer, Chair
Senate Business, Professions, and Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

The Honorable Evan Low, Chair
Assembly Business and Professions Committee
1020 N St., Room 383
Sacramento, CA 95814

Re: Annual Department of Consumer Affairs Distributed Costs Report

Dear Senator Glazer and Assembly Member Low:

Business & Professions Code section 201 requires the Department of Consumer Affairs (Department) to submit a report of the accounting of its pro rata calculation of administrative expenses to the Legislature annually by July 1 of each year.

The Department's report includes the following attachments:

- An overview of the methodology used for allocating distributed costs.
- A summary of costs by each service area of the Department for each board and bureau.

The Department charges pro rata to recover its costs for centralized administrative services provided to the boards and bureaus. All the work the Department performs is to support the boards and bureaus. The majority of distributed costs are based on workload and approximately one-third is distributed based on the authorized positions of the board or bureau. All savings achieved by the Department are returned to respective board and bureau funds at year-end.

In the attached spreadsheet of costs, there are six boards and bureaus that have higher than average costs at 30 percent or more of their annual budget. The following provides a brief explanation of the anomalies driving the costs.

- Board of Barbering and Cosmetology: This board has a large licensee population and therefore their share of the costs for the BreEZe licensing and enforcement database is higher. The Department also receives a significant amount of calls in its Consumer Information Center (CIC) unit directly related to this board.
- Medical Board of California: The Department has an entire unit (Health Quality Investigation Unit) of sworn investigators and support staff dedicated to

providing this board with enforcement services that accounts for nearly 80 percent of the costs this board pays the Department.

- Board of Optometry: The board had a significant increase in enforcement cases that resulted in an increase to their costs to support the Department's Division of Investigation.
- Naturopathic Medicine Committee: The committee had a significant enforcement case that resulted in an increase to their costs to support the Department's Division of Investigation.
- Board of Registered Nursing: This board has a large licensee population and therefore their share of the costs for the BreEZe licensing and enforcement database is higher. Additionally, the board has a high volume of enforcement cases that are conducted by the Department's Division of Investigation.
- Board of Vocational Nursing and Psychiatric Technicians: This board has a higher than average number of cases referred to the Department's Division of Investigation and the costs of conducting those investigations accounts for more than half of the costs this board pays the Department.
- Bureau of Security & Investigative Services: Like the Board of Barbering and Cosmetology, this bureau has a large licensee population that contributes to larger shares of BreEZe and CIC costs.

Should you have any questions regarding this report, please contact Dennis Cuevas-Romero, Deputy Director for Legislative Affairs, at (916) 574-7800 or Dennis.Cuevas-Romero@dca.ca.gov.

Sincerely,

Christopher S. Shultz
Chief Deputy Director

cc: Che Salinas, Chief Deputy Legislative Secretary, Office of the Governor
Sonya Logman, Deputy Cabinet Secretary, Office of the Governor
Alexis Podesta, Secretary, Business, Consumer Services and Housing Agency
Lila Mirrashidi, Deputy Secretary of Business and Consumer Relations, Business, Consumer Services and Housing Agency
Clint Kellum, Assistant Program Budget Manager, Department of Finance
Helen Kerstein, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Members of Senate Business, Professions, and Economic Development Committee
Members of the Senate Budget Subcommittee No. 4
Members of Assembly Business and Professions Committee
Members of the Assembly Budget Subcommittee No. 4
Department Executive Officers and Bureau Chiefs

Attachments:

Distributed Cost Methodology for Fiscal Year 2019-20

2019-20 Department of Consumer Affairs Distributed Costs Spreadsheet

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DEPARTMENT OF CONSUMER AFFAIRS
DISTRIBUTED COST METHODOLOGY FOR FISCAL YEAR 2019-20

This attachment (Attachment A) provides a narrative overview explaining which centralized services are included in each column on the enclosed spreadsheet (Attachment B).

CONSUMER AND CLIENT SERVICES DIVISION (CCSD) includes the following centralized services:

1. ADMINISTRATIVE & INFORMATION SERVICES DIVISION (AISD)

- *Column B – AISD EXCLUDING OFFICE OF INFORMATION SERVICES (OIS):* Distributed costs to all boards/bureaus/programs based on authorized position count. This column includes the Executive Office, Equal Employment Opportunity Office, Internal Audits, Legal Affairs, Legislative Affairs, SOLID Training & Planning Solutions, Information Security, and the Office of Administrative Services (Fiscal Operations, Business Services Office, Office of Human Resources). This column also includes the Office of Professional Examination Services, where most services are direct billed costs based on individual intra-agency agreements with programs, and a small portion of the budget is distributed to programs that are required to report pursuant to B&P Section139 based on authorized position count.
- *Column C – OFFICE OF INFORMATION SERVICES (OIS):* Distributed costs based on service center usage. Cost centers include ATS/CAS, BreEZe, Cannabis, telecom, PC support, LAN/WAN, and web services among others.

2. COMMUNICATIONS DIVISION:

- *Column D – PUBLIC AFFAIRS:* Distributed costs based on authorized position count.
- *Column E – PUBLICATIONS, DESIGN AND EDITING:* Distributed costs based on authorized position count. This column also includes Digital Print Services where printing and material costs are direct costs based on individual service request.

3. DIVISION OF PROGRAM AND POLICY REVIEW:

- *Column F – CONSUMER INFORMATION CENTER:* Distributed costs based on client's past year workload to determine the client's distributed costs in budget year. Non-jurisdictional call costs distributed to all boards/bureaus/programs based on authorized position count.
- *Column G – CORRESPONDENCE UNIT:* Distributed costs based on client's past year workload to determine the client's distributed costs in budget year. Non-jurisdictional correspondence costs distributed to all boards/bureaus/programs based on authorized position count.
- *Column H – POLICY REVIEW PROGRAM:* Distributed costs based on authorized position count.

DIVISION OF INVESTIGATION (DOI) includes the following units:

- *Column I – SPECIAL OPERATIONS UNIT:* Distributed costs based on authorized position count.
- *Column J – HEALTH QUALITY INVESTIGATION UNIT (HQIU):* Costs distributed fully to the Medical Board of California. Costs incurred by Allied Health Programs are based on an hourly rate and invoiced directly with reimbursement going to the Medical Board.
- *Column K – INVESTIGATION & ENFORCEMENT UNIT:* Fee for service: Based on two-year roll-forward methodology. This methodology uses a client's actual workload/costs in past year to determine the client's budget in budget year, which will cover the budget year estimated workload, plus any credit or debit for services already provided.
- Column L – CANNABIS ENFORCEMENT UNIT (CEU): Costs distributed fully to the Bureau of Cannabis Control.

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2019-20 Department of Consumer Affairs Distributed Costs
Budget Act of 2019

Attachment B

		Consumer and Client Services Division							Division of Investigation					
		Administrative & Information Services Division (AISD)		Communications Division		Division of Program & Policy Review								
	A	B	C	D	E	F	G	H	I	J	K	L	M	O
Board / Bureau Name	**2019-20 Authorized Positions**	**AISD excluding OIS**	**OIS**	**Public Affairs**	**Publications Design & Editing**	**Consumer Information Center**	**Correspondence Unit**	**Policy Review Program**	**Special Operations Unit**	**Health Quality Investigation Unit**	**Investigation & Enforcement Unit**	**Cannabis Enforcement Unit**	**TOTAL**	**% of Budget**
Accountancy	103.8	1,676,000	269,000	54,000	48,000	29,000	24,000	13,000	54,000		347,000		2,514,000	16%
Board of Architectural Examiners	24.9	408,000	253,000	13,000	11,000	7,000	7,000	3,000	13,000		30,000		745,000	19%
Landscape Arch Committee	5.5	92,000	59,000	3,000	2,000	2,000	2,000	1,000	2,000				163,000	15%
Athletic Commission	10.2	168,000	91,000	5,000	4,000	3,000	3,000	1,000	4,000				279,000	16%
Boxer's Pension	0.5	7,000	8,000	-	-	-	-	-	-				15,000	13%
Board of Behavioral Sciences	64.5	1,047,000	1,266,000	33,000	30,000	42,000	17,000	9,000	33,000		190,000		2,667,000	22%
Chiropractic Examiners	19.4	316,000	332,000	9,000	8,000	5,000	5,000	2,000	10,000		262,000		949,000	19%
Barbering & Cosmetology[1]	96.2	1,563,000	4,436,000	50,000	44,000	749,000	47,000	12,000	51,000		155,000		7,107,000	34%
Contractors State License Bd	430.6	5,164,000	866,000	167,000	145,000	124,000	110,000	40,000	164,000		100,000		6,880,000	10%
Dental Board of CA	74.7	1,212,000	1,050,000	39,000	34,000	36,000	29,000	9,000	39,000				2,448,000	16%
Dental Assistants Program	13.1	210,000	414,000	6,000	6,000	3,000	3,000	2,000	5,000				649,000	26%
Dental Hygiene Committee	13.0	210,000	251,000	6,000	6,000	8,000	3,000	2,000	5,000				491,000	21%
Medical Board of California[2]	187.0	3,035,000	1,797,000	99,000	85,000	75,000	50,000	24,000	97,000	21,607,000			26,869,000	41%
Acupuncture Board	14.0	197,000	248,000	6,000	5,000	41,000	3,000	1,000	5,000		318,000		824,000	18%
Physical Therapy Board	25.4	409,000	442,000	13,000	12,000	12,000	7,000	3,000	13,000		455,000		1,366,000	26%
Physician Assistant Board	7.0	113,000	119,000	3,000	3,000	3,000	2,000	1,000	3,000				247,000	12%
Board of Podiatric Medicine	5.2	85,000	68,000	3,000	2,000	2,000	1,000	1,000	2,000				164,000	11%
Board of Psychology	25.3	410,000	405,000	13,000	11,000	11,000	8,000	3,000	13,000				874,000	17%
Respiratory Care Board	17.4	284,000	300,000	8,000	7,000	7,000	4,000	2,000	9,000				621,000	16%
Speech-Language P.A./ Hearing Aid	11.6	191,000	150,000	6,000	5,000	3,000	9,000	1,000	5,000		215,000		585,000	26%
Occupational Therapy	15.2	248,000	226,000	7,000	6,000	8,000	4,000	2,000	7,000		54,000		562,000	24%
Board of Optometry[3]	10.4	170,000	194,000	5,000	4,000	7,000	3,000	1,000	4,000		296,000		684,000	30%
Registered Dispensing Opticians	2.0	32,000	52,000	1,000	1,000	1,000	-	-	1,000		39,000		127,000	24%
Osteopathic Medical Board	13.4	219,000	172,000	6,000	6,000	5,000	3,000	2,000	6,000				419,000	14%
Naturopathic Medicine[4]	2.0	33,000	21,000	1,000	1,000	1,000	1,000	-	1,000		112,000		171,000	38%
Board of Pharmacy	120.6	1,959,000	1,170,000	62,000	53,000	32,000	29,000	15,000	64,000				3,384,000	13%
Board of Pharmacy - Sharps	3.0	43,000	-	1,000	1,000	-	-	-	1,000				46,000	10%
Board for Prof. Engineers, Land Surveyors & Geologists	47.2	790,000	686,000	24,000	21,000	13,000	14,000	6,000	25,000				1,579,000	13%
Board of Registered Nursing[5]	238.8	3,830,000	5,368,000	126,000	109,000	299,000	158,000	30,000	121,000		6,034,000		16,075,000	29%
Court Reporters Board	4.5	73,000	58,000	2,000	2,000	1,000	2,000	1,000	2,000				141,000	12%
Structural Pest- Support	29.9	488,000	314,000	15,000	13,000	8,000	11,000	4,000	16,000				869,000	16%
Veterinary Medical Board	24.3	392,000	394,000	13,000	11,000	12,000	9,000	3,000	13,000		428,000		1,275,000	24%
Vocational Nursing & Psychiatric Technicia	71.4	1,155,000	1,344,000	37,000	31,000	64,000	28,000	9,000	37,000		2,942,000		5,647,000	34%
Arbitration Certification Program	8.0	128,000	69,000	4,000	3,000	3,000	2,000	1,000	3,000				213,000	16%
Private Security Services[7]	65.9	1,070,000	3,249,000	33,000	30,000	1,233,000	37,000	9,000	33,000		356,000		6,050,000	40%
Private Investigators	4.5	73,000	136,000	2,000	2,000	1,000	1,000	1,000	2,000				218,000	20%
Private Postsecondary	106.0	1,698,000	1,199,000	54,000	47,000	28,000	69,000	14,000	56,000		135,000		3,300,000	16%
Electronic/ Appliance Repair	20.0	319,000	208,000	11,000	9,000	9,000	13,000	2,000	10,000				581,000	20%
Household Furnishings	30.9	491,000	312,000	16,000	13,000	9,000	6,000	4,000	17,000				868,000	16%
Home Movers	11.0	175,000	101,000	5,000	5,000	2,000	2,000	1,000	5,000				296,000	13%
Automotive Repair (VIRF)	543.8	8,858,000	4,843,000	304,000	266,000	645,000	146,000	79,000	303,000				15,444,000	13%
Automotive Repair (HPRRA)	57.6	919,000	504,000	30,000	27,000	16,000	12,000	8,000	30,000				1,546,000	17%
Automotive Repair (EFM)	9.0	143,000	78,000	4,000	4,000	3,000	2,000	1,000	4,000				239,000	26%
Cemetery & Funeral	25.0	406,000	243,000	13,000	11,000	9,000	7,000	3,000	13,000				705,000	15%
Bureau of Real Estate Appraisers	30.8	508,000	55,000	16,000	13,000	7,000	7,000	4,000	18,000				628,000	11%
Professional Fiduciaries Bureau	3.0	48,000	30,000	1,000	1,000	13,000	13,000	-	1,000				107,000	19%
Bureau of Cannabis Control[8]	236.0	1,418,000	4,734,000	-	-	106,000	51,000	-	-	-	-	7,402,000	13,711,000	21%
TOTAL, 1111	**2,883.5**	**42,483,000**	**38,584,000**	**1,329,000**	**1,158,000**	**3,697,000**	**964,000**	**330,000**	**1,320,000**	**21,607,000**	**12,468,000**	**7,402,000**	**131,342,000**	**21%**
Distributed Cost TOTAL	**2,883.5**	**42,483,000**	**38,584,000**	**1,329,000**	**1,158,000**	**3,697,000**	**964,000**	**330,000**	**1,320,000**	**21,607,000**	**12,468,000**	**7,402,000**	**131,342,000**	**21%**
Reimbursements		1,321,000	90,000	56,000	-			-	-	-	-	-	1,467,000	
Direct Distributed (Ofc of Professional Examination Services)		1,593,000	-	-	-	-	-	-	-	-	-	-	1,593,000	
Total Budget		**45,397,000**	**38,674,000**	**1,385,000**	**1,158,000**	**3,697,000**	**964,000**	**330,000**	**1,320,000**	**21,607,000**	**12,468,000**	**7,402,000**	**134,402,000**	

[1] The Board of Barbering and Cosmetology has a large licensee population and therefore their share of the costs for the BreEZe licensing and enforcement database appear higher. The Department also receives a significant amount of workload in its Consumer Information Center (CIC) unit directly related to this boa

[2] The Medical Board of California funds the Department's Health Quality Investigation Unit, a unit of sworn investigators and support staff dedicated to providing the board with enforcement services that accounts for nearly 80% of the cost the board pays the Department

[3] The Board of Optometry had a significant increase in enforcement cases that resulted in a increase to their costs to support the Department's Division of Investigation.

[4] The Naturopathic Medicine Committee had a significant enforcement case that resulted in a increase to their costs to support the Department's Division of Investigation.

[5] The Board of Registered Nursing has a large licensee population that contributes to larger shares of BreEZe and CIC costs. Additionally, the board has a high volume of enforcement cases that are conducted by the Department's Division of Investigation.

[6] The Board of Vocational Nursing and Psychiatric Technicians has a higher than average number of cases referred to the Department's Division of Investigation and the costs of conducting those investigations accounts for over half of the costs this board pays the Department

[7] The Bureau of Security and Investigative Services has a large licensee population that contributes to larger shares of BreEZe and CIC costs, similar to the Board of Barbering and Cosmetology

[8] The Bureau of Cannabis Control is implementing a new information technology system, which is paid for and supported through the Department. Additionally, similar to the Medical Board, the Department has a unit (Cannabis Enforcement Unit) of sworn investigators and support staff dedicated solely to this bureau

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Board Statistics

Attached for your review are the quarterly performance statistics for the first quarter of FY 2019/2020.

Licensing Program

Overall, application volumes increased 24% in the first quarter of FY 2019/2020. The biggest increases were in the associate registration applications. Volumes generally increase during the first quarter and correspond to the graduation season.

Application Volumes

Application Type	1st Quarter 7/1/19-9/30/19	4th Quarter 4/1/19-6/30/19	Difference
AMFT Registration	1,127	741	+34%
AMFT Registration Subsequent Number	204	157	+23%
LMFT Examination	793	882	-11%
ASW Registration	1,416	848	+40%
ASW Registration Subsequent Number	164	123	+25%
LCSW Examination	561	600	-7%
LEP Examination	58	40	+31%
APCC Registration	484	285	+41%
APCC Registration Subsequent Number	12	5	+58%
LPCC Examination	109	82	+25%
Total Applications	**4,928**	**3763**	+24%

Days to Process Applications

License Type	1st Quarter 7/1/19-9/30/19 (Calendar Days)	4th Quarter 4/1/19-6/30/19 (Calendar Days)	Difference
AMFT Registration	45 days	21 days	+24 days
LMFT Examination	113 days	91 days	+22 days
ASW Registration	28 days	14 days	+14 day
LCSW Examination	66 days	76 days	-10 days
LEP Examination	17 days	19 days	-2 day
APCC Registration	20 days	25 days	-5 day
LPCC Examination	13 days	24 days	-11 day

Because of the increased volume of applications and recent staff vacancies, the Board recognized an increase in processing times. The Board has been able to refill some vacancies and expects the processing times to decrease within the coming months.

A total of 1,439 initial licenses were issued in the first quarter. As of November 1, 2019, the Board has 119,272 licensees and registrants. This was a 4% increase This figure includes all licenses that have been issued that are current and/or eligible to renew.

LICENSE POPULATION (As of 11/1/2019)				
License Type	**Active**	**Current In-Active**	**Delinquent**	**Total Population**
Registrants				
AMFT	12,460	N/A	3,848	16,308
ASW	12,840	N/A	4,055	16,895
APCC	3,034	N/A	1,605	4,639
Total Registrant	28,334	N/A	9,508	37,842
Licensees				
LMFT	39,720	4,263	3,107	47,090
LCSW	25,942	2,402	1,840	30,184
LEP	1,387	404	298	2,089
LPCC	1,865	131	71	2,067
Total Licensee	68,914	7,200	5,316	81,430
Total Population	97,248	7,200	14,824	**119,272**

Examination Program

Attached for your review are the examination statistics by school. A total 5,118 examinations were administered in the first quarter of FY 2019/2020.

	1ST Qtr				4th Qtr			
	7/1/19-9/30/19				4/1/19-6/30/19			
	Total Exams	Pass %	First Time	Pass %	Total Exams	Pass %	First Time	Pass %
LMFT L/E*	1,276	80%	994	85%	1,157	71%	639	78%
LMFT Clinical*	1,107	67%	688	79%	1,145	66%	694	76%
LCSW L/E*	1,334	76%	889	80%	1,361	76%	585	79%
LCSW ASWB	839	58%	521	73%	933	61%	585	75%
LPCC L/E*	400	62%	311	64%	319	74%	167	79%
LPCC NCMHCE	102	71%	83	72%	98	61%	26	65%
LEP*	60	62%	39	74%	39	54%	23	74%
TOTAL	5,118		3,525		5,052		2,719	

**Board developed examination*

Eleven examination development workshops were conducted from July 1, 2019 to September 30, 2019.

OPES continues work on the LMFT Occupational Analysis. The occupational analysis is a study of the profession and provides the bases for the LMFT Written Clinical licensing examination. Staff will be worked with OPES to alert licensees the opportunity to participate in the occupational analysis survey. The last day to participate in the survey was Septmeber 27, 2019. OPES will is currently reviewing the responses.

Administration Program

The Board received 9,658 applications in the first quarter, a 1% increase since last quarter. This figure does not include renewal applications. The chart below reflects the total renewal activity for the first quarter.

RENEWAL ACTIVITY		
	Number of Renewals	**Percentage**
BBS Processed	406	2%
Online Renewal	16,091	98%
Total	16,479	

Enforcement Program

During the first quarter, the Enforcement staff received 508 consumer complaints and 390 criminal convictions. A total of 847 cases were closed and 44 cases were referred to the Attorney General's office for formal discipline. As of September 30, 2019, there were 351 cases pending at the Attorney General's Office. A total of 23 Accusations and 7 Statement of Issues were filed this quarter. The number of final citations for the first quarter was 86.

A total of 16 decisions were adopted. The average number of days to complete Formal Discipline in the first quarter was 393 days. This statistic is measured from the date the Board receives the complaint to the date the discipline becomes effective. The DCA Performance Measure to complete Formal Discipline is 540 days.

The average number of days the case is with the Attorney General's Office in the first quarter was 551. This statistic is measured from the date the Board refers the matter to the Attorney General's to the date the case is complete. The average number of days to complete all Board investigations in the first quarter was 74 days.

Continuing Education Audits

Year to Date CE Audit Results							
	Total	**PASS**	**FAIL**	**Pending**	**% Pass**	**% Fail**	**% Pending**
LMFT	254	188	66	0	74%	26%	0%
LCSW	179	132	47	0	74%	26%	0%
LEP	15	9	5	1	60%	33%	7%
LPCC	15	11	4	0	73%	27%	0%
Grand Total	463	340	122	1	73%	26%	0%

Outreach Activity

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

May 15, 2019	Orange County LMFT Consortium
May 16, 2019	Inland Empire LMFT Consortium
May 18, 2019	Azusa Pacific School of Social Work
May 31- June 1, 2019	CALPCC Conference, Northridge, CA
June 8, 2019	CSCSW Licensing Process Presentation, San Diego, CA
June 10, 2019	Central Coast LMFT Consortium
June 15, 2019	CSCSW and USC Licensing Process Presentation, Los Angeles, CA
July 17, 2019	Orange County LMFT Consortium
August 8-9, 2019	NBCC- AASCB Annual Meeting, Washington, DC
September 6, 2019	Greater Los Angeles LMFT Consortium
September 9, 2019	Central Coast LMFT Consortium
September 12, 2019	Inland Empire LMFT Consortium
September 13, 2019	Sacramento LMFT Consortium
September 14, 2019	CAMFT Job Fair Pepperdine University
September 17-18, 2019	AMFTRB Annual Meeting, Minneapolis, MN
September 18, 2019	Orange County LMFT Consortium
October 25-26, 2019	CASP Conference
November 2, 2019	NASW Conference, San Mateo, CA
November 7-9, 2019	ASWB Annual Delegate Meeting, Orlando, FL
November 8-9, 2019	CAMFT Fall Conference, Santa Ana, CA
November 20, 2019	Orange County LMFT Consortium
November 21, 2019	Inland Empire LMFT Consortium

New Exam Vendor

On November 4, 2019 the contract with Pearson Vue was fully executed. Beginning January 2, 2019 Pearson Vue will administer the Ca Law & Ethics exams, LMFT Clinical Exam, and the LEP Standard Written exam.

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Applications Received and Approved by Application Method
California Board of Behavioral Sciences

Date Range Between: 07/01/2018 and 09/30/2019

Applications Received		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LCSW - Exam Application (Law and Ethics)	Manual	329	271	242	252	194	173	308	319	364	389	301	312	261	253	200	4,168
	Online	0	0	0	0	0	0	1	0	49	117	129	103	124	109	88	720
	Total	**329**	**271**	**242**	**252**	**194**	**173**	**309**	**319**	**413**	**506**	**430**	**415**	**385**	**362**	**288**	**4,888**
LCSW - Exam Application (Clinical Exam)	Manual	186	189	196	195	190	212	201	225	234	219	204	185	171	201	189	2,997
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**186**	**189**	**196**	**195**	**190**	**212**	**201**	**225**	**234**	**219**	**204**	**185**	**171**	**201**	**189**	**2,997**
LCSW - Exam Retake (Law and Ethics)	Manual	160	145	117	128	103	107	125	98	113	105	115	126	124	118	112	1,796
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**160**	**145**	**117**	**128**	**103**	**107**	**125**	**98**	**113**	**105**	**115**	**126**	**124**	**118**	**112**	**1,796**
LCSW - Exam Retake (Clinical Exam)	Manual	133	117	101	136	119	113	77	92	148	155	128	110	133	117	110	1,789
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**133**	**117**	**101**	**136**	**119**	**113**	**77**	**92**	**148**	**155**	**128**	**110**	**133**	**117**	**110**	**1,789**
LCSW - Initial License Application	Manual	19	22	18	17	26	19	19	14	13	13	12	7	24	15	18	256
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**19**	**22**	**18**	**17**	**26**	**19**	**19**	**14**	**13**	**13**	**12**	**7**	**24**	**15**	**18**	**256**
LCSW - Initial License Application - Associate	Manual	663	357	262	213	161	129	193	125	129	116	320	725	703	397	316	4,809
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**663**	**357**	**262**	**213**	**161**	**129**	**193**	**125**	**129**	**116**	**320**	**725**	**703**	**397**	**316**	**4,809**
LCSW - Renewal Application - LCSW	Manual	255	149	142	128	121	120	102	102	111	110	108	110	123	345	618	2,644
	Online	687	879	828	1,004	1,164	986	1,320	1,065	1,053	1,085	975	977	1,139	974	1,083	15,219
	Total	**942**	**1,028**	**970**	**1,132**	**1,285**	**1,106**	**1,422**	**1,167**	**1,164**	**1,195**	**1,083**	**1,087**	**1,262**	**1,319**	**1,701**	**17,863**
LCSW - Renewal Application - ACSW	Manual	302	279	201	204	114	118	104	77	176	223	220	207	200	264	466	3,155
	Online	1,085	995	687	583	469	454	508	401	460	677	1,005	1,400	1,507	1,184	920	12,335
	Total	**1,387**	**1,274**	**888**	**787**	**583**	**572**	**612**	**478**	**636**	**900**	**1,225**	**1,607**	**1,707**	**1,448**	**1,386**	**15,490**
LCSW - Upgrade Application ASW to LCSW	Manual	208	219	164	203	180	176	142	146	219	231	174	159	159	184	169	2,733
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**208**	**219**	**164**	**203**	**180**	**176**	**142**	**146**	**219**	**231**	**174**	**159**	**159**	**184**	**169**	**2,733**
Total		**4,092**	**3,666**	**3,011**	**3,137**	**2,886**	**2,636**	**3,129**	**2,693**	**3,093**	**3,473**	**3,732**	**4,472**	**4,725**	**4,215**	**4,343**	**53,303**

Applications Approved		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LCSW - Exam Application (Law and Ethics)	Deficiency	10	5	13	11	7	10	14	6	9	7	10	6	8	10	2	128
	No Deficiency	289	237	267	214	189	123	265	239	483	389	359	331	272	298	212	4,167
	Total	**299**	**242**	**280**	**225**	**196**	**133**	**279**	**245**	**492**	**396**	**369**	**337**	**280**	**308**	**214**	**4,295**
LCSW - Exam Application (Clinical Exam)	Deficiency	88	128	78	82	59	68	78	79	77	51	50	77	84	91	40	1,130
	No Deficiency	128	112	118	124	132	144	100	72	54	122	139	109	168	157	125	1,804
	Total	**216**	**240**	**196**	**206**	**191**	**212**	**178**	**151**	**131**	**173**	**189**	**186**	**252**	**248**	**165**	**2,934**
LCSW - Exam Retake (Law and Ethics)	No Deficiency	156	152	113	151	99	103	109	109	130	95	102	126	116	109	130	1,800
	Total	**156**	**152**	**113**	**151**	**99**	**103**	**109**	**109**	**130**	**95**	**102**	**126**	**116**	**109**	**130**	**1,800**
LCSW - Exam Retake (Clinical Exam)	No Deficiency	102	104	116	126	106	109	128	110	108	63	131	137	148	116	149	1,753
	Total	**102**	**104**	**116**	**126**	**106**	**109**	**128**	**110**	**108**	**63**	**131**	**137**	**148**	**116**	**149**	**1,753**
LCSW - Initial License Application	Deficiency	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	No Deficiency	12	17	26	13	18	21	20	17	18	13	12	8	13	22	10	240
	Total	**12**	**18**	**26**	**13**	**18**	**21**	**20**	**17**	**18**	**13**	**12**	**8**	**13**	**22**	**10**	**241**
LCSW - Initial License Application - Associate	Deficiency	45	35	31	28	17	12	19	18	15	16	13	33	44	29	21	376
	No Deficiency	752	452	265	228	124	121	142	132	153	77	165	382	659	502	351	4,505
	Total	**797**	**487**	**296**	**256**	**141**	**133**	**161**	**150**	**168**	**93**	**178**	**415**	**703**	**531**	**372**	**4,881**

Applications Received and Approved by Application Method
California Board of Behavioral Sciences

Date Range Between: 07/01/2018 and 09/30/2019

LCSW - Renewal Application - LCSW	No Deficiency	908	1,004	914	1,079	1,212	1,033	1,371	1,087	1,088	1,111	1,007	1,010	1,171	958	1,078	16,031
	Total	908	1,004	914	1,079	1,212	1,033	1,371	1,087	1,088	1,111	1,007	1,010	1,171	958	1,078	16,031
LCSW - Renewal Application - ACSW	No Deficiency	1,283	1,194	855	768	570	500	517	428	467	670	976	1,407	1,534	1,181	945	13,295
	Total	1,283	1,194	855	768	570	500	517	428	467	670	976	1,407	1,534	1,181	945	13,295
LCSW - Upgrade Application ASW to LCSW	Deficiency	1	1	0	1	0	0	0	0	0	0	0	2	0	0	0	5
	No Deficiency	182	212	212	171	167	169	162	109	252	242	184	156	147	209	131	2,705
	Total	183	213	212	172	167	169	162	109	252	242	184	158	147	209	131	2,710
Total		3,991	3,708	3,042	3,072	2,748	2,440	2,955	2,427	2,881	2,874	3,188	3,813	4,399	3,736	3,238	48,512

Processing Time		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Overall Average
LCSW - Exam Application (Law and Ethics)	Deficiency	90.80	89.00	86.46	119.64	101.14	73.40	130.36	135.33	83.56	92.57	130.00	183.00	104.50	100.70	302.00	110.29
	No Deficiency	10.86	11.32	8.98	11.17	11.69	18.58	14.84	13.70	11.66	7.13	8.06	7.60	10.15	10.75	10.67	10.64
LCSW - Exam Application (Clinical Exam)	Deficiency	115.92	136.63	107.17	128.18	89.49	120.22	118.08	135.84	142.17	119.18	165.20	132.55	148.51	141.79	117.88	128.80
	No Deficiency	194.93	50.06	58.14	52.97	41.81	37.94	58.37	61.28	64.50	71.56	76.20	81.82	73.40	62.92	58.47	70.10
LCSW - Exam Retake (Law and Ethics)	No Deficiency	26.33	47.15	20.40	21.79	16.14	26.39	17.78	20.83	19.98	17.69	24.16	15.87	28.81	19.83	23.03	23.69
LCSW - Exam Retake (Clinical Exam)	No Deficiency	78.59	76.49	77.26	83.97	80.98	81.41	80.70	80.29	83.76	83.02	84.03	85.50	84.57	84.79	83.13	82.07
LCSW - Initial License Application	Deficiency	0	20.00	0	0	0	0	0	0	0	0	0	0	0	0	0	20.00
	No Deficiency	10.50	11.24	12.62	24.46	15.50	16.10	21.10	25.41	23.00	30.85	15.58	9.38	16.15	16.18	20.30	17.83
LCSW - Initial License Application - Associate	Deficiency	33.04	49.97	39.48	98.61	91.12	47.25	44.95	60.72	72.20	49.31	88.46	42.06	54.95	58.66	66.43	56.40
	No Deficiency	32.03	16.61	19.82	23.84	125.74	19.79	20.44	32.80	19.65	18.77	16.97	17.48	24.31	30.23	32.93	27.57
LCSW - Renewal Application - LCSW	No Deficiency	6.61	5.19	3.49	4.64	2.29	2.36	2.81	1.68	2.61	2.49	1.72	2.76	1.86	2.92	1.90	2.96
LCSW - Renewal Application - ACSW	No Deficiency	14.92	22.70	23.60	25.45	31.71	30.62	24.81	39.86	25.74	28.75	17.45	11.32	13.09	13.02	21.53	20.26
LCSW - Upgrade Application ASW to LCSW	Deficiency	80.00	10.00	0	38.00	0	0	0	0	0	0	0	26.00	0	0	0	36.00
	No Deficiency	10.80	10.45	9.36	8.02	10.48	12.50	15.72	16.95	12.85	9.24	10.63	8.49	13.26	9.37	9.19	10.96
LCSW Exam Application (Law and Ethics) Overall		13.53	12.93	12.58	16.48	14.89	22.70	20.64	16.68	12.98	8.64	11.37	10.73	12.84	13.67	13.39	13.61
LCSW Exam Application (Clinical Exam) Overall		162.74	96.23	77.65	82.91	56.54	64.33	84.53	100.28	110.15	85.60	99.75	102.82	98.44	91.86	72.87	92.71
LCSW Exam Retake (Law and Ethics) Overall		26.33	47.15	20.40	21.79	16.14	26.39	17.78	20.83	19.98	17.69	24.16	15.87	28.81	19.83	23.03	23.69
LCSW Exam Retake (Clinical Exam) Overall		78.59	76.49	77.26	83.97	80.98	81.41	80.70	80.29	83.76	83.02	84.03	85.50	84.57	84.79	83.13	82.07
LCSW Initial License Application Overall		10.50	11.72	12.62	24.46	15.50	16.10	21.10	25.41	23.00	30.85	15.58	9.38	16.15	16.18	20.30	17.84
LCSW Initial License Application - Associate Overall		32.09	19.01	21.88	32.02	121.57	22.27	23.33	36.15	24.35	24.02	22.19	19.44	26.22	31.78	34.82	29.79
LCSW Renewal Application - LCSW Overall		6.61	5.19	3.49	4.64	2.29	2.36	2.81	1.68	2.61	2.49	1.72	2.76	1.86	2.92	1.90	2.96
LCSW Renewal Application - ACSW Overall		14.92	22.70	23.60	25.45	31.71	30.62	24.81	39.86	25.74	28.75	17.45	11.32	13.09	13.02	21.53	20.26
LCSW Upgrade Application ASW to LCSW Overall		11.17	10.45	9.36	8.20	10.48	12.50	15.72	16.95	12.85	9.24	10.63	8.71	13.26	9.37	9.19	11.01

Board of Behavioral Sciences

Applications Received and Approved by Application Method

Date Range Between: 07/01/2018 and 09/30/2019

Applications Received		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LMFT - Exam Application (Law and Ethics)	Manual	268	312	266	251	189	174	316	271	327	299	285	262	301	221	208	3,950
	Online	0	0	0	0	0	0	0	0	44	72	89	91	100	94	108	598
	Total	**268**	**312**	**266**	**251**	**189**	**174**	**316**	**271**	**371**	**371**	**374**	**353**	**401**	**315**	**316**	**4,548**
LMFT - Exam Application (Clinical Exam)	Manual	331	301	230	293	235	249	253	253	290	303	292	324	273	271	246	4,144
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**331**	**301**	**230**	**293**	**235**	**249**	**253**	**253**	**290**	**303**	**292**	**324**	**273**	**271**	**246**	**4,144**
LMFT - Exam Retake (Law and Ethics)	Manual	164	192	169	170	132	104	146	121	136	120	130	126	137	131	132	2,110
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**164**	**192**	**169**	**170**	**132**	**104**	**146**	**121**	**136**	**120**	**130**	**126**	**137**	**131**	**132**	**2,110**
LMFT - Exam Retake (Clinical Exam)	Manual	165	160	137	129	146	142	191	161	168	153	139	119	177	155	144	2,286
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**165**	**160**	**137**	**129**	**146**	**142**	**191**	**161**	**168**	**153**	**139**	**119**	**177**	**155**	**144**	**2,286**
LMFT - Initial License Application	Manual	5	1	0	4	0	0	0	3	1	1	3	1	4	1	1	25
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**5**	**1**	**0**	**4**	**0**	**0**	**0**	**3**	**1**	**1**	**3**	**1**	**4**	**1**	**1**	**25**
LMFT - Initial License Application - Associate	Manual	468	344	411	307	152	118	239	233	197	106	229	412	441	320	367	4,344
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**468**	**344**	**411**	**307**	**152**	**118**	**239**	**233**	**197**	**106**	**229**	**412**	**441**	**320**	**367**	**4,344**
LMFT - Subsequent License Application - Assoc.	Manual	71	78	53	70	54	58	63	48	57	63	47	48	84	68	52	914
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**71**	**78**	**53**	**70**	**54**	**58**	**63**	**48**	**57**	**63**	**47**	**48**	**84**	**68**	**52**	**914**
LMFT - Renewal Application - LMFT	Manual	476	257	273	203	199	187	169	156	163	172	190	175	211	519	996	4,346
	Online	925	1,401	1,321	1,624	1,744	1,577	2,064	1,656	1,645	1,748	1,642	1,593	1,754	1,463	1,719	23,876
	Total	**1,401**	**1,658**	**1,594**	**1,827**	**1,943**	**1,764**	**2,233**	**1,812**	**1,808**	**1,920**	**1,832**	**1,768**	**1,965**	**1,982**	**2,715**	**28,222**
LMFT - Renewal Application - AMFT	Manual	345	320	217	250	165	151	90	101	137	164	210	186	249	368	510	3,463
	Online	889	975	849	813	750	580	859	692	733	638	777	996	1,179	1,159	1,103	12,992
	Total	**1,234**	**1,295**	**1,066**	**1,063**	**915**	**731**	**949**	**793**	**870**	**802**	**987**	**1,182**	**1,428**	**1,527**	**1,613**	**16,455**
LMFT - Upgrade Application AMFT to LMFT	Manual	334	291	244	218	221	227	222	225	247	270	207	243	248	244	248	3,689
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**334**	**291**	**244**	**218**	**221**	**227**	**222**	**225**	**247**	**270**	**207**	**243**	**248**	**244**	**248**	**3,689**
Total		**4,441**	**4,632**	**4,170**	**4,332**	**3,987**	**3,567**	**4,612**	**3,920**	**4,145**	**4,109**	**4,240**	**4,576**	**5,158**	**5,014**	**5,834**	**66,737**

Applications Approved		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LMFT - Exam Application (Law and Ethics)	Deficiency	1	1	0	0	2	1	3	1	1	0	0	2	1	1	1	15
	No Deficiency	238	249	311	238	168	148	268	230	438	306	313	305	312	236	239	3,999
	Total	**239**	**250**	**311**	**238**	**170**	**149**	**271**	**231**	**439**	**306**	**313**	**307**	**313**	**237**	**240**	**4,014**
LMFT - Exam Application (Clinical Exam)	Deficiency	95	85	105	89	95	79	90	95	62	85	85	78	49	64	74	1,230
	No Deficiency	178	164	121	158	119	146	137	115	123	168	142	149	132	102	103	2,057
	Total	**273**	**249**	**226**	**247**	**214**	**225**	**227**	**210**	**185**	**253**	**227**	**227**	**181**	**166**	**177**	**3,287**
LMFT - Exam Retake (Law and Ethics)	No Deficiency	190	159	191	184	110	132	124	133	126	137	121	126	114	136	139	2,122
	Total	**190**	**159**	**191**	**184**	**110**	**132**	**124**	**133**	**126**	**137**	**121**	**126**	**114**	**136**	**139**	**2,122**
LMFT - Exam Retake (Clinical Exam)	No Deficiency	204	154	146	144	148	132	196	153	189	168	126	131	153	152	135	2,331
	Total	**204**	**154**	**146**	**144**	**148**	**132**	**196**	**153**	**189**	**168**	**126**	**131**	**153**	**152**	**135**	**2,331**
LMFT - Initial License Application	No Deficiency	5	1	0	2	2	0	0	1	3	1	3	1	2	1	1	23
	Total	**5**	**1**	**0**	**2**	**2**	**0**	**0**	**1**	**3**	**1**	**3**	**1**	**2**	**1**	**1**	**23**
LMFT - Initial License Application - Associate	Deficiency	26	43	22	25	26	21	19	13	29	47	24	24	45	30	34	428

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	No Deficiency	253	473	374	358	134	131	100	211	193	154	147	250	248	194	158	3,378
	Total	**279**	**516**	**396**	**383**	**160**	**152**	**119**	**224**	**222**	**201**	**171**	**274**	**293**	**224**	**192**	**3,806**
LMFT - Subsequent License Application - Assoc.	Deficiency	0	0	0	0	0	1	2	1	0	3	1	1	3	9	10	31
	No Deficiency	80	58	66	67	43	49	61	36	61	43	49	50	52	65	46	826
	Total	**80**	**58**	**66**	**67**	**43**	**50**	**63**	**37**	**61**	**46**	**50**	**51**	**55**	**74**	**56**	**857**
LMFT - Renewal Application - LMFT	No Deficiency	1,327	1,583	1,475	1,741	1,837	1,647	2,153	1,715	1,692	1,800	1,666	1,678	1,728	1,507	1,754	25,303
	Total	**1,327**	**1,583**	**1,475**	**1,741**	**1,837**	**1,647**	**2,153**	**1,715**	**1,692**	**1,800**	**1,666**	**1,678**	**1,728**	**1,507**	**1,754**	**25,303**
LMFT - Renewal Application - AMFT	No Deficiency	1,087	1,161	1,007	1,028	858	640	840	729	745	659	781	1,001	1,176	1,172	1,122	14,006
	Total	**1,087**	**1,161**	**1,007**	**1,028**	**858**	**640**	**840**	**729**	**745**	**659**	**781**	**1,001**	**1,176**	**1,172**	**1,122**	**14,006**
LMFT - Upgrade Application AMFT to LMFT	Deficiency	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
	No Deficiency	325	273	313	213	154	191	274	173	328	264	219	272	191	284	227	3,701
	Total	**329**	**273**	**313**	**213**	**154**	**191**	**274**	**173**	**328**	**264**	**219**	**272**	**191**	**284**	**227**	**3,705**
Total		**4,013**	**4,404**	**4,131**	**4,247**	**3,696**	**3,318**	**4,267**	**3,606**	**3,990**	**3,835**	**3,677**	**4,068**	**4,206**	**3,953**	**4,043**	**59,454**

Processing Time		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Overall Average
LMFT - Exam Application (Law and Ethics)	**Deficiency**	**80.00**	**54.00**	**0**	**0**	**314.00**	**125.00**	**106.67**	**360.00**	**463.00**	**0**	**0**	**52.50**	**285.00**	**381.00**	**410.00**	**214.07**
	No Deficiency	**12.04**	**9.16**	**7.54**	**7.04**	**10.11**	**10.22**	**15.24**	**13.34**	**12.08**	**6.65**	**7.43**	**6.17**	**8.45**	**6.99**	**6.63**	**9.24**
LMFT - Exam Application (Clinical Exam)	**Deficiency**	**148.66**	**136.56**	**131.54**	**167.90**	**153.31**	**145.57**	**182.71**	**180.17**	**185.66**	**161.72**	**143.53**	**160.17**	**218.49**	**209.61**	**203.39**	**165.23**
	No Deficiency	**55.19**	**59.03**	**65.29**	**66.43**	**82.95**	**71.23**	**85.83**	**82.93**	**95.92**	**89.89**	**89.82**	**93.36**	**103.09**	**114.27**	**126.27**	**83.28**
LMFT - Exam Retake (Law and Ethics)	**No Deficiency**	**35.45**	**30.04**	**18.83**	**22.04**	**28.85**	**21.94**	**19.90**	**23.21**	**20.17**	**16.45**	**28.18**	**20.13**	**21.36**	**20.28**	**30.06**	**23.99**
LMFT - Exam Retake (Clinical Exam)	**No Deficiency**	**56.26**	**46.14**	**51.71**	**69.59**	**51.19**	**50.93**	**42.72**	**43.71**	**45.92**	**35.49**	**39.89**	**50.08**	**48.65**	**46.59**	**37.16**	**47.74**
LMFT - Initial License Application	**No Deficiency**	**8.80**	**10.00**	**0**	**9.00**	**7.50**	**0**	**0**	**19.00**	**13.00**	**8.00**	**10.33**	**4.00**	**7.50**	**5.00**	**42.00**	**10.87**
LMFT - Initial License Application - Associate	**Deficiency**	**51.77**	**37.00**	**44.82**	**43.48**	**60.42**	**68.62**	**61.84**	**59.00**	**84.79**	**41.45**	**58.63**	**62.71**	**64.69**	**58.33**	**55.53**	**55.68**
	No Deficiency	**29.04**	**28.71**	**25.73**	**18.82**	**31.81**	**28.74**	**30.88**	**36.59**	**31.17**	**28.69**	**16.46**	**19.06**	**25.91**	**43.44**	**56.31**	**28.86**
LMFT - Subsequent License Application - Assoc.	**Deficiency**	**0**	**0**	**0**	**0**	**0**	**64.00**	**30.00**	**330.00**	**0**	**70.67**	**41.00**	**21.00**	**61.00**	**36.78**	**42.40**	**53.74**
	No Deficiency	**36.63**	**14.16**	**34.85**	**18.93**	**40.19**	**33.41**	**21.79**	**34.44**	**28.66**	**19.16**	**27.86**	**23.86**	**37.52**	**20.09**	**43.39**	**28.62**
LMFT - Renewal Application - LMFT	**No Deficiency**	**7.41**	**4.66**	**3.60**	**4.37**	**2.59**	**1.84**	**2.52**	**3.99**	**2.88**	**2.23**	**3.02**	**5.00**	**3.94**	**3.47**	**3.73**	**3.60**
LMFT - Renewal Application - AMFT	**No Deficiency**	**21.54**	**18.66**	**17.21**	**18.54**	**19.74**	**25.86**	**13.28**	**17.85**	**16.93**	**18.34**	**13.99**	**10.57**	**13.51**	**11.93**	**14.00**	**16.49**
LMFT - Upgrade Application AMFT to LMFT	**Deficiency**	**25.00**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**25.00**
	No Deficiency	**9.46**	**10.38**	**9.80**	**8.04**	**10.86**	**12.26**	**16.76**	**16.69**	**13.65**	**8.16**	**11.14**	**7.71**	**10.38**	**9.90**	**8.81**	**10.85**
LMFT Exam Application (Law and Ethics) Overall		12.33	9.34	7.54	7.04	13.68	10.99	16.25	14.84	13.11	6.65	7.43	6.48	9.33	8.57	8.31	10.00
LMFT Exam Application (Clinical Exam) Overall		87.71	85.50	96.07	102.99	114.18	97.33	124.24	126.92	125.99	114.02	109.93	116.31	134.33	151.03	158.51	113.94
LMFT Exam Retake (Law and Ethics) Overall		35.45	30.04	18.83	22.04	28.85	21.94	19.90	23.21	20.17	16.45	28.18	20.13	21.36	20.28	30.06	23.99
LMFT Exam Retake (Clinical Exam) Overall		56.26	46.14	51.71	69.59	51.19	50.93	42.72	43.71	45.92	35.49	39.89	50.08	48.65	46.59	37.16	47.74
LMFT Initial License Application Overall		8.80	10.00	N/A	9.00	7.50	N/A	N/A	19.00	13.00	8.00	10.33	4.00	7.50	5.00	42.00	10.87
LMFT Initial License Application - Associate Overall		31.16	29.40	26.79	20.43	36.46	34.25	35.82	37.89	38.18	31.68	22.37	22.89	31.86	45.44	56.17	31.88
LMFT Subsequent License Application - Assoc. Overall		36.63	14.16	34.85	18.93	40.19	34.02	22.05	42.43	28.66	22.52	28.12	23.80	38.80	22.12	43.21	29.52
LMFT Renewal Application - LMFT Overall		7.41	4.66	3.60	4.37	2.59	1.84	2.52	3.99	2.88	2.23	3.02	5.00	3.94	3.47	3.73	3.60
LMFT Renewal Application - AMFT Overall		21.54	18.66	17.21	18.54	19.74	25.86	13.28	17.85	16.93	18.34	13.99	10.57	13.51	11.93	14.00	16.49
LMFT Upgrade Application AMFT to LMFT Overall		9.64	10.38	9.80	8.04	10.86	12.26	16.76	16.69	13.65	8.16	11.14	7.71	10.38	9.90	8.81	10.86

Board of Behavioral Sciences

Applications Received and Approved by Application Method

Date Range Between: 07/01/2018 and 09/30/2019

Applications Received		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LPCC - Exam Application (Law and Ethics)	Manual	73	82	61	84	49	60	67	89	99	90	83	83	91	84	72	1,167
	Online	0	0	0	0	0	0	0	0	23	30	30	41	40	43	33	240
	Total	**73**	**82**	**61**	**84**	**49**	**60**	**67**	**89**	**122**	**120**	**113**	**124**	**131**	**127**	**105**	**1,407**
LPCC - Exam Application (NCMHCE)	Manual	27	24	26	30	29	18	30	29	30	31	36	34	46	33	30	453
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**27**	**24**	**26**	**30**	**29**	**18**	**30**	**29**	**30**	**31**	**36**	**34**	**46**	**33**	**30**	**453**
LPCC - Exam Retake (Law and Ethics)	Manual	43	33	27	25	28	22	37	29	29	31	28	32	36	30	42	472
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**43**	**33**	**27**	**25**	**28**	**22**	**37**	**29**	**29**	**31**	**28**	**32**	**36**	**30**	**42**	**472**
LPCC - Initial License Application	Manual	4	3	3	3	2	2	3	2	4	4	3	7	6	4	6	56
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**4**	**3**	**3**	**3**	**2**	**2**	**3**	**2**	**4**	**4**	**3**	**7**	**6**	**4**	**6**	**56**
LPCC - Initial License Application - Associate	Manual	200	147	122	103	55	47	79	103	84	72	86	132	187	144	153	1,714
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**200**	**147**	**122**	**103**	**55**	**47**	**79**	**103**	**84**	**72**	**86**	**132**	**187**	**144**	**153**	**1,714**
LPCC - Subsequent License Application - Assoc.	Manual	2	0	1	0	1	0	1	0	3	2	3	0	4	4	4	25
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**2**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**3**	**2**	**3**	**0**	**4**	**4**	**4**	**25**
LPCC - Renewal Application - LPCC	Manual	5	1	4	4	1	4	3	0	5	4	4	4	5	20	52	116
	Online	43	56	42	51	63	58	66	52	57	60	57	79	87	66	93	930
	Total	**48**	**57**	**46**	**55**	**64**	**62**	**69**	**52**	**62**	**64**	**61**	**83**	**92**	**86**	**145**	**1,046**
LPCC - Renewal Application - APCC	Manual	63	59	59	43	33	36	32	40	51	49	81	62	74	92	105	879
	Online	139	188	158	144	134	118	141	125	119	126	163	202	266	257	232	2,512
	Total	**202**	**247**	**217**	**187**	**167**	**154**	**173**	**165**	**170**	**175**	**244**	**264**	**340**	**349**	**337**	**3,391**
LPCC - Upgrade Application APCC to LPCC	Manual	18	22	18	21	14	14	9	18	16	24	17	21	26	22	24	284
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	**18**	**22**	**18**	**21**	**14**	**14**	**9**	**18**	**16**	**24**	**17**	**21**	**26**	**22**	**24**	**284**
Total		**617**	**615**	**521**	**508**	**409**	**379**	**468**	**487**	**520**	**523**	**591**	**697**	**868**	**799**	**846**	**8,848**

Applications Approved		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LPCC - Exam Application (Law and Ethics)	Deficiency	2	4	0	4	5	3	4	2	3	4	6	5	3	5	5	55
	No Deficiency	51	66	65	74	41	38	51	60	131	84	91	96	88	94	77	1,107
	Total	**53**	**70**	**65**	**78**	**46**	**41**	**55**	**62**	**134**	**88**	**97**	**101**	**91**	**99**	**82**	**1,162**
LPCC - Exam Application (NCMHCE)	Deficiency	7	12	8	9	7	8	4	0	10	7	13	7	5	7	7	111
	No Deficiency	10	18	15	17	13	12	17	17	14	32	29	27	36	13	19	289
	Total	**17**	**30**	**23**	**26**	**20**	**20**	**21**	**17**	**24**	**39**	**42**	**34**	**41**	**20**	**26**	**400**
LPCC - Exam Retake (Law and Ethics)	No Deficiency	29	28	34	34	42	20	40	20	31	22	51	35	23	30	37	476
	Total	**29**	**28**	**34**	**34**	**42**	**20**	**40**	**20**	**31**	**22**	**51**	**35**	**23**	**30**	**37**	**476**
LPCC - Initial License Application	No Deficiency	2	3	3	4	3	3	1	2	2	3	7	4	6	6	6	55
	Total	**2**	**3**	**3**	**4**	**3**	**3**	**1**	**2**	**2**	**3**	**7**	**4**	**6**	**6**	**6**	**55**
LPCC - Initial License Application - Associate	Deficiency	25	21	26	45	19	15	28	19	14	29	31	13	31	40	26	382
	No Deficiency	84	152	96	84	39	24	36	44	44	53	46	80	149	122	102	1,155
	Total	**109**	**173**	**122**	**129**	**58**	**39**	**64**	**63**	**58**	**82**	**77**	**93**	**180**	**162**	**128**	**1,537**
LPCC - Subsequent License Application - Assoc.	Deficiency	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
	No Deficiency	2	0	0	1	0	0	1	0	0	6	1	1	3	4	3	22
	Total	**2**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**6**	**2**	**1**	**3**	**4**	**3**	**23**

Board of Behavioral Sciences

Applications Received and Approved by Application Method

Date Range Between: 07/01/2018 and 09/30/2019

LPCC - Renewal Application - LPCC	No Deficiency	50	60	42	52	64	60	68	51	55	64	57	79	87	63	93	945
	Total	50	60	42	52	64	60	68	51	55	64	57	79	87	63	93	945
LPCC - Renewal Application - APCC	No Deficiency	166	210	179	165	149	122	137	114	109	118	153	188	253	260	228	2,551
	Total	166	210	179	165	149	122	137	114	109	118	153	188	253	260	228	2,551
LPCC - Upgrade Application APCC to LPCC	No Deficiency	19	21	15	20	18	12	15	9	6	26	25	23	20	27	20	276
	Total	19	21	15	20	18	12	15	9	6	26	25	23	20	27	20	276
Total		447	595	483	509	400	317	402	338	419	448	511	558	704	671	623	7,425

Processing Time		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Overall Average
LPCC - Exam Application (Law and Ethics)	Deficiency	88.00	206.00	0	108.00	223.20	292.00	143.75	141.50	134.33	181.25	154.67	163.60	199.00	286.40	170.00	182.45
	No Deficiency	9.73	10.45	7.75	10.07	10.54	11.50	35.20	14.03	14.60	7.43	6.77	10.69	8.08	10.44	6.17	11.10
LPCC - Exam Application (NCMHCE)	Deficiency	102.57	107.00	45.75	36.22	59.57	109.50	64.00	0	119.60	162.71	66.46	102.71	44.00	65.86	60.71	83.49
	No Deficiency	17.60	25.61	36.60	7.47	22.54	13.92	15.65	47.12	26.50	26.03	20.55	25.81	14.11	7.69	14.00	21.49
LPCC - Exam Retake (Law and Ethics)	No Deficiency	76.03	44.00	71.35	79.62	74.00	49.05	73.98	77.90	35.81	66.86	77.10	25.26	51.09	41.63	23.76	58.56
LPCC - Initial License Application	No Deficiency	13.50	13.67	12.00	22.50	17.67	12.67	15.00	15.00	21.50	20.33	41.43	10.75	17.67	13.67	18.50	19.38
LPCC - Initial License Application - Associate	Deficiency	119.88	87.81	157.00	89.73	124.95	99.13	132.00	147.05	96.64	147.00	104.10	90.77	129.29	101.90	90.81	114.61
	No Deficiency	36.13	36.61	27.89	18.33	396.72	30.21	23.94	38.16	27.55	31.06	19.67	25.06	23.22	22.17	13.10	38.81
LPCC - Subsequent License Application - Assoc.	Deficiency	0	0	0	0	0	0	0	0	0	0	12.00	0	0	0	0	12.00
	No Deficiency	12.50	0	0	8.00	0	0	17.00	0	0	39.33	9.00	15.00	8.00	8.25	10.33	18.09
LPCC - Renewal Application - LPCC	No Deficiency	3.56	4.73	1.24	1.38	1.20	17.68	1.44	1.00	1.00	1.56	1.00	1.14	1.08	1.29	1.12	2.60
LPCC - Renewal Application - APCC	No Deficiency	28.86	18.11	14.31	32.04	16.38	39.92	13.39	13.64	25.36	23.46	15.16	23.89	12.85	14.55	15.29	19.60
LPCC - Upgrade Application APCC to LPCC	No Deficiency	19.37	18.81	37.07	28.30	29.56	32.92	24.80	27.78	24.00	40.27	36.40	29.52	25.85	24.30	30.90	29.00
LPCC - Exam Application (Law and Ethics) Overall		12.68	21.63	7.75	15.09	33.65	32.02	43.09	18.15	17.28	15.33	15.92	18.26	14.37	24.37	16.16	19.21
LPCC - Exam Application (NCMHCE) Overall		52.59	58.17	39.78	17.42	35.50	52.15	24.86	47.12	65.29	50.56	34.76	41.65	17.76	28.05	26.58	38.70
LPCC Exam Retake (Law and Ethics) Overall		76.03	44.00	71.35	79.62	74.00	49.05	73.98	77.90	35.81	66.86	77.10	25.26	51.09	41.63	23.76	58.56
LPCC - Initial License Application Overall		13.50	13.67	12.00	22.50	17.67	12.67	15.00	15.00	21.50	20.33	41.43	10.75	17.67	13.67	18.50	19.38
LPCC - Initial License Application - Associate Overall		55.34	42.82	55.40	43.24	307.69	56.72	71.22	71.00	44.22	72.06	53.66	34.25	41.49	41.86	28.88	57.65
LPCC - Subsequent License Application - Assoc. Overall		12.50	N/A	N/A	8.00	N/A	N/A	17.00	N/A	N/A	39.33	10.50	15.00	8.00	8.25	10.33	17.83
LPCC - Renewal Application - LPCC Overall		3.56	4.73	1.24	1.38	1.20	17.68	1.44	1.00	1.00	1.56	1.00	1.14	1.08	1.29	1.12	2.60
LPCC - Renewal Application - APCC Overall		28.86	18.11	14.31	32.04	16.38	39.92	13.39	13.64	25.36	23.46	15.16	23.89	12.85	14.55	15.29	19.60
LPCC - Upgrade Application APCC to LPCC Overall		19.37	18.81	37.07	28.30	29.56	32.92	24.80	27.78	24.00	40.27	36.40	29.52	25.85	24.30	30.90	29.00

Applications Received and Approved by Application Method
California Board of Behavioral Sciences

Date Range Between: 07/01/2018 and 09/30/2019

Applications Received		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LEP - Exam Application (Standard Written)	Manual	15	17	16	11	13	11	10	8	16	12	11	17	21	15	22	215
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	15	17	16	11	13	11	10	8	16	12	11	17	21	15	22	215
LEP - Exam Retake (Standard Written)	Manual	4	8	6	5	4	6	7	6	9	3	6	8	9	3	10	94
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	4	8	6	5	4	6	7	6	9	3	6	8	9	3	10	94
LEP - Initial License Application	Manual	15	9	4	14	9	7	7	12	5	11	4	9	11	17	8	142
	Online	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	15	9	4	14	9	7	7	12	5	11	4	9	11	17	8	142
LEP - Renewal Application	Manual	57	67	28	59	40	30	13	9	15	21	12	18	18	33	46	466
	Online	28	27	15	29	40	35	54	64	60	67	50	79	84	73	62	767
	Total	85	94	43	88	80	65	67	73	75	88	62	97	102	106	108	1,233
Total		119	128	69	118	106	89	91	99	105	114	83	131	143	141	148	1,684

Applications Approved		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Total
LEP - Exam Application (Standard Written)	Deficiency	7	6	3	4	5	0	0	2	1	2	5	6	4	6	2	53
	No Deficiency	5	6	14	7	14	8	10	7	6	12	9	11	14	8	16	147
	Total	12	12	17	11	19	8	10	9	7	14	14	17	18	14	18	200
LEP - Exam Retake (Standard Written)	No Deficiency	5	8	9	4	1	7	10	7	6	3	6	10	6	8	6	96
	Total	5	8	9	4	1	7	10	7	6	3	6	10	6	8	6	96
LEP - Initial License Application	No Deficiency	17	11	5	15	4	7	10	8	9	12	4	8	11	13	11	145
	Total	17	11	5	15	4	7	10	8	9	12	4	8	11	13	11	145
LEP - Renewal Application	No Deficiency	81	80	53	74	73	53	71	66	62	67	54	83	88	71	69	1,045
	Total	81	80	53	74	73	53	71	66	62	67	54	83	88	71	69	1,045
Total		115	111	84	104	97	75	101	90	84	96	78	118	123	106	104	1,486

Processing Time		Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Overall Average
LEP - Exam Application (Standard Written)	Deficiency	51.00	45.83	48.00	217.50	71.20	0	0	325.50	239.00	19.00	83.80	91.50	34.75	87.17	89.50	89.42
	No Deficiency	11.00	11.00	13.14	18.71	21.93	16.50	21.40	24.00	19.00	27.00	22.67	8.36	18.64	13.75	18.06	18.03
LEP - Exam Retake (Standard Written)	No Deficiency	60.40	54.63	153.44	70.00	178.00	111.86	63.20	107.71	94.83	129.33	69.50	93.20	153.00	83.00	102.17	96.33
LEP - Initial License Application	No Deficiency	9.65	10.64	12.20	9.00	12.50	12.29	20.20	16.88	18.11	13.42	10.25	6.63	10.82	15.31	10.36	12.41
LEP - Renewal Application	No Deficiency	8.81	11.70	5.53	18.43	18.88	8.17	12.51	2.98	4.69	2.01	9.57	2.90	2.60	2.01	8.83	8.01
LEP Exam Application (Standard Written) Overall		34.33	28.42	19.29	91.00	34.89	16.50	21.40	91.00	50.43	25.86	44.50	37.71	22.22	45.21	26.00	36.95
LEP Exam Retake (Standard Written) Overall		60.40	54.63	153.44	70.00	178.00	111.86	63.20	107.71	94.83	129.33	69.50	93.20	153.00	83.00	102.17	96.33
LEP Initial License Application Overall		9.65	10.64	12.20	9.00	12.50	12.29	20.20	16.88	18.11	13.42	10.25	6.63	10.82	15.31	10.36	12.41
LEP Renewal Application Overall		8.81	11.70	5.53	18.43	18.88	8.17	12.51	2.98	4.69	2.01	9.57	2.90	2.60	2.01	8.83	8.01

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Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

LICENSE TYPE: LCSW

EXAM: LCSW Clinical Exam (ASWB)

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	12	5	42%	7	58%	7	4	57%	3	43%
California State University, Bakersfield	002	22	13	59%	9	41%	12	11	92%	1	8%
California State University, Chico	003	14	6	43%	8	57%	8	6	75%	2	25%
California State University, Dominguez Hills	004	26	14	54%	12	46%	13	10	77%	3	23%
California State University, Fresno	005	23	7	30%	16	70%	8	4	50%	4	50%
California State University, Fullerton	006	21	16	76%	5	24%	14	11	79%	3	21%
California State University, Hayward	007	34	19	56%	15	44%	21	14	67%	7	33%
California State University, Long Beach	008	83	36	43%	47	57%	44	24	55%	20	45%
California State University, Los Angeles	009	35	16	46%	19	54%	18	10	56%	8	44%
California State University, Northridge	010	46	24	52%	22	48%	34	21	62%	13	38%
California State University, Sacramento	011	36	25	69%	11	31%	20	20	100%	0	0%
California State University, San Bernardino	012	20	13	65%	7	35%	16	11	69%	5	31%
California State University, Stanislaus	013	16	8	50%	8	50%	6	3	50%	3	50%
Humboldt State University, Arcata	014	7	5	71%	2	29%	6	5	83%	1	17%
Loma Linda University, Orinda	125	15	5	33%	10	67%	4	2	50%	2	50%
Monterey Bay State University	018	2	2	100%	0	0%	2	2	100%	0	0%
OUT-OF-COUNTRY	400	9	4	44%	5	56%	5	2	40%	3	60%
Out-of-State	300	96	55	57%	41	43%	64	47	73%	17	27%
San Diego State University	015	24	20	83%	4	17%	20	18	90%	2	10%
San Francisco State	016	23	9	39%	14	61%	12	7	58%	5	42%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
University											
San Jose State University	017	41	24	59%	17	41%	26	19	73%	7	27%
San Marcos University	019	3	2	67%	1	33%	3	2	67%	1	33%
UC, Berkeley	050	17	14	82%	3	18%	14	13	93%	1	7%
UC, Los Angeles	052	16	15	94%	1	6%	14	14	100%	0	0%
University of Southern California, Los Angeles	145	198	129	65%	69	35%	130	98	75%	32	25%
LCSW Clinical Exam (ASWB) TOTAL:		839	486	58%	353	42%	521	378	73%	143	27%

EXAM: LCSW Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	17	14	82%	3	18%	13	10	77%	3	23%
California State University, Bakersfield	002	28	18	64%	10	36%	23	15	65%	8	35%
California State University, Chico	003	31	24	77%	7	23%	26	20	77%	6	23%
California State University, Dominguez Hills	004	30	18	60%	12	40%	23	14	61%	9	39%
California State University, Fresno	005	27	14	52%	13	48%	17	11	65%	6	35%
California State University, Fullerton	006	40	35	88%	5	12%	36	33	92%	3	8%
California State University, Hayward	007	49	32	65%	17	35%	42	30	71%	12	29%
California State University, Long Beach	008	90	73	81%	17	19%	78	65	83%	13	17%
California State University, Los Angeles	009	56	45	80%	11	20%	45	39	87%	6	13%
California State University, Northridge	010	71	54	76%	17	24%	58	44	76%	14	24%
California State University, Sacramento	011	48	36	75%	12	25%	37	30	81%	7	19%
California State University, San Bernardino	012	23	21	91%	2	9%	20	19	95%	1	5%
California State University,	013	20	14	70%	6	30%	19	14	74%	5	26%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Stanislaus											
Humboldt State University, Arcata	014	12	10	83%	2	17%	7	6	86%	1	14%
Loma Linda University, Orinda	125	16	14	88%	2	12%	16	14	88%	2	12%
Monterey Bay State University	018	15	12	80%	3	20%	11	8	73%	3	27%
OUT-OF-COUNTRY	400	7	1	14%	6	86%	6	1	17%	5	83%
Out-of-State	300	276	227	82%	49	18%	240	203	85%	37	15%
San Diego State University	015	44	35	80%	9	20%	37	33	89%	4	11%
San Francisco State University	016	17	11	65%	6	35%	14	9	64%	5	36%
San Jose State University	017	64	45	70%	19	30%	55	38	69%	17	31%
San Marcos University	019	27	25	93%	2	7%	26	24	92%	2	8%
UC, Berkeley	050	33	30	91%	3	9%	30	27	90%	3	10%
UC, Los Angeles	052	40	37	92%	3	8%	36	33	92%	3	8%
University of Southern California, Los Angeles	145	253	175	69%	78	31%	196	149	76%	47	24%
LCSW Law and Ethics TOTAL:		1,334	1,020	76%	314	24%	1,111	889	80%	222	20%

LICENSE TYPE: LEP

EXAM: LEP Standard Written Exam

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	3	1	33%	2	67%	2	1	50%	1	50%
Alliant International University (aka US International)	139	1	1	100%	0	0%	1	1	100%	0	0%
Azusa Pacific University, Azusa	103	2	1	50%	1	50%	2	1	50%	1	50%
California State University, Chico	003	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Dominguez Hills	004	3	3	100%	0	0%	2	2	100%	0	0%
California State University, Fresno	005	1	1	100%	0	0%	1	1	100%	0	0%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
California State University, Hayward	007	2	1	50%	1	50%	1	1	100%	0	0%
California State University, Long Beach	008	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Los Angeles	009	4	1	25%	3	75%	3	1	33%	2	67%
California State University, Northridge	010	3	2	67%	1	33%	1	1	100%	0	0%
California State University, Sacramento	011	2	1	50%	1	50%	1	1	100%	0	0%
California State University, San Bernardino	012	1	1	100%	0	0%	0	0		0	
Chapman University, Orange	113	8	6	75%	2	25%	6	4	67%	2	33%
Fresno Pacific University	153	1	1	100%	0	0%	0	0		0	
Humboldt State University, Arcata	014	1	1	100%	0	0%	0	0		0	
Loma Linda University, Orinda	125	1	1	100%	0	0%	1	1	100%	0	0%
Loyola Marymount University, Los Angeles	126	4	4	100%	0	0%	4	4	100%	0	0%
National University	129	10	4	40%	6	60%	6	4	67%	2	33%
Out-of-State	300	2	1	50%	1	50%	1	1	100%	0	0%
Pepperdine University, Malibu	135	1	0	0%	1	100%	0	0		0	
Phillips Graduate Institute	106	1	0	0%	1	100%	1	0	0%	1	100%
San Diego State University	015	1	1	100%	0	0%	1	1	100%	0	0%
San Francisco State University	016	2	1	50%	1	50%	0	0		0	
UC, Berkeley	050	1	1	100%	0	0%	1	1	100%	0	0%
UC, Los Angeles	052	1	1	100%	0	0%	1	1	100%	0	0%
University of La Verne, La Verne	140	1	0	0%	1	100%	1	0	0%	1	100%
University of the Pacific, Stockton	146	1	0	0%	1	100%	0	0		0	
LEP Standard Written Exam TOTAL:		60	37	62%	23	38%	39	29	74%	10	26%

LICENSE TYPE: LMFT

EXAM: LMFT Clinical Exam

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	2	2	100%	0	0%	2	2	100%	0	0%
Alliant International University (aka US International)	139	29	24	83%	5	17%	22	19	86%	3	14%
American Behavioral Studies Institute	235	1	1	100%	0	0%	0	0		0	
Antioch University, Los Angeles	241	63	42	67%	21	33%	35	28	80%	7	20%
Antioch University, Santa Barbara	243	13	9	69%	4	31%	7	6	86%	1	14%
Argosy University (aka American School of Prof. Psych.	204	48	26	54%	22	46%	21	16	76%	5	24%
Azusa Pacific University, Azusa	103	22	18	82%	4	18%	18	16	89%	2	11%
Bethel Theological Seminary	152	3	3	100%	0	0%	3	3	100%	0	0%
Brandman University	253	49	27	55%	22	45%	29	18	62%	11	38%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	4	3	75%	1	25%	4	3	75%	1	25%
California Baptist University, Riverside	105	39	26	67%	13	33%	22	16	73%	6	27%
California Graduate Institute, Los Angeles	203	3	2	67%	1	33%	0	0		0	
California Institute of Integral Studies, S.F.	107	26	25	96%	1	4%	25	24	96%	1	4%
California Lutheran University, Thousand Oaks	108	10	8	80%	2	20%	7	7	100%	0	0%
California Southern University	246	1	1	100%	0	0%	1	1	100%	0	0%
California State Polytechnic University, Pomona	019	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Bakersfield	002	4	3	75%	1	25%	4	3	75%	1	25%
California State University, Chico	003	8	8	100%	0	0%	4	4	100%	0	0%
California State University, Dominguez Hills	004	15	11	73%	4	27%	7	6	86%	1	14%
California State University, Fresno	005	25	18	72%	7	28%	13	10	77%	3	23%
California State University, Fullerton	006	21	13	62%	8	38%	14	12	86%	2	14%
California State University, Hayward	007	6	4	67%	2	33%	5	4	80%	1	20%
California State University, Long Beach	008	15	14	93%	1	7%	12	12	100%	0	0%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
California State University, Los Angeles	009	8	6	75%	2	25%	5	4	80%	1	20%
California State University, Northridge	010	20	13	65%	7	35%	11	9	82%	2	18%
California State University, Sacramento	011	10	6	60%	4	40%	6	4	67%	2	33%
California State University, San Bernardino	012	4	2	50%	2	50%	3	2	67%	1	33%
California State University, Stanislaus	013	5	5	100%	0	0%	4	4	100%	0	0%
Chapman University, Orange	113	13	10	77%	3	23%	7	7	100%	0	0%
Dominican University of California	117	6	5	83%	1	17%	5	4	80%	1	20%
Fresno Pacific Bibilical Seminary, Fresno	127	5	3	60%	2	40%	3	2	67%	1	33%
Fuller Theological Seminary, Pasadena	119	4	4	100%	0	0%	3	3	100%	0	0%
Golden Gate University	151	8	5	62%	3	38%	5	3	60%	2	40%
Holy Names University, Oakland	122	6	3	50%	3	50%	3	2	67%	1	33%
Hope International University	131	20	12	60%	8	40%	11	10	91%	1	9%
Humboldt State University, Arcata	014	3	2	67%	1	33%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	39	30	77%	9	23%	22	18	82%	4	18%
Loma Linda University, Orinda	125	10	9	90%	1	10%	9	9	100%	0	0%
Loyola Marymount University, Los Angeles	126	5	4	80%	1	20%	4	3	75%	1	25%
Meridian University	231	2	2	100%	0	0%	2	2	100%	0	0%
Mount St. Mary's College, Los Angeles	128	11	7	64%	4	36%	5	4	80%	1	20%
National University	129	82	41	50%	41	50%	38	24	63%	14	37%
New College of California, San Francisco	130	3	3	100%	0	0%	1	1	100%	0	0%
Northcentral University	256	3	2	67%	1	33%	3	2	67%	1	33%
Notre Dame de Namur University	116	15	7	47%	8	53%	7	3	43%	4	57%
OUT-OF-COUNTRY	400	2	1	50%	1	50%	1	1	100%	0	0%
Out-of-State	300	25	17	68%	8	32%	20	14	70%	6	30%
Pacific Oaks College, Pasadena	133	22	6	27%	16	73%	13	4	31%	9	69%
Pacifica Graduate Institute,	154	10	7	70%	3	30%	7	5	71%	2	29%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Carpenteria											
Palo Alto University	258	9	7	78%	2	22%	5	5	100%	0	0%
Pepperdine University, Malibu	135	44	34	77%	10	23%	32	29	91%	3	9%
Phillips Graduate Institute	106	36	22	61%	14	39%	21	15	71%	6	29%
Remington College (Aka- Edu. Amercia Univ.)	239	1	0	0%	1	100%	1	0	0%	1	100%
Ryokan College, Los Angeles	216	2	1	50%	1	50%	1	0	0%	1	100%
San Diego State University	015	13	8	62%	5	38%	8	6	75%	2	25%
San Francisco State University	016	10	9	90%	1	10%	8	8	100%	0	0%
San Jose State University	017	7	6	86%	1	14%	7	6	86%	1	14%
Santa Clara University	144	16	15	94%	1	6%	15	14	93%	1	7%
Simpson University	254	6	4	67%	2	33%	5	4	80%	1	20%
Sofia University, San Jose	155	5	3	60%	2	40%	4	3	75%	1	25%
Sonoma State University	018	5	5	100%	0	0%	5	5	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	2	2	100%	0	0%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	11	8	73%	3	27%	7	6	86%	1	14%
The Chicago School of Professional Psychology at Los Angeles	251	12	8	67%	4	33%	10	7	70%	3	30%
TOURO UNIVERSITY	262	1	1	100%	0	0%	0	0		0	
Trinity College of Graduate Studies, Orange	201	2	0	0%	2	100%	0	0		0	
University of La Verne, La Verne	140	8	5	62%	3	38%	1	1	100%	0	0%
University of Phoenix, Sacramento	238	7	4	57%	3	43%	1	1	100%	0	0%
University of Phoenix, San Diego	236	96	50	52%	46	48%	55	33	60%	22	40%
University of San Diego, San Diego	142	7	6	86%	1	14%	6	6	100%	0	0%
University of San Francisco, San Francisco	143	22	13	59%	9	41%	9	8	89%	1	11%
University of Santa Monica	240	2	0	0%	2	100%	0	0		0	
University of Southern California, Los Angeles	145	9	8	89%	1	11%	9	8	89%	1	11%
Vanguard University of Southern California	156	5	4	80%	1	20%	5	4	80%	1	20%
Western Seminary (Western	232	7	6	86%	1	14%	7	6	86%	1	14%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Conservative Baptist Seminary)											
World University of America	226	1	0	0%	1	100%	0	0		0	
Wright Institute, Berkeley	150	11	10	91%	1	9%	9	8	89%	1	11%
LMFT Clinical Exam TOTAL:		1,107	741	67%	366	33%	688	541	79%	147	21%

EXAM: LMFT Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	1	1	100%	0	0%	1	1	100%	0	0%
Alliant International University (aka US International)	139	35	31	89%	4	11%	31	27	87%	4	13%
American Behavioral Studies Institute	235	2	1	50%	1	50%	0	0		0	
Antioch University, Los Angeles	241	48	40	83%	8	17%	37	31	84%	6	16%
Antioch University, Santa Barbara	243	11	9	82%	2	18%	5	5	100%	0	0%
Argosy University (aka American School of Prof. Psych.	204	30	20	67%	10	33%	15	13	87%	2	13%
Azusa Pacific University, Azusa	103	36	33	92%	3	8%	34	32	94%	2	6%
Bethany College	157	1	1	100%	0	0%	1	1	100%	0	0%
Bethel Theological Seminary	152	6	6	100%	0	0%	6	6	100%	0	0%
Biola University, La Mirada(Rosemead School of Psy)	104	1	1	100%	0	0%	1	1	100%	0	0%
Brandman University	253	49	34	69%	15	31%	35	26	74%	9	26%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	4	4	100%	0	0%	4	4	100%	0	0%
California Baptist University, Riverside	105	48	35	73%	13	27%	38	29	76%	9	24%
California Graduate Institute, Los Angeles	203	1	0	0%	1	100%	0	0		0	
California Institute of Integral Studies, S.F.	107	45	40	89%	5	11%	35	32	91%	3	9%
California Lutheran University, Thousand Oaks	108	16	11	69%	5	31%	15	11	73%	4	27%
California Southern University	246	7	6	86%	1	14%	6	5	83%	1	17%
California State Polytechnic	019	8	7	88%	1	12%	8	7	88%	1	12%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
University, Pomona											
California State University, Bakersfield	002	4	3	75%	1	25%	4	3	75%	1	25%
California State University, Chico	003	3	3	100%	0	0%	3	3	100%	0	0%
California State University, Dominguez Hills	004	10	7	70%	3	30%	6	5	83%	1	17%
California State University, Fresno	005	20	17	85%	3	15%	15	13	87%	2	13%
California State University, Fullerton	006	18	13	72%	5	28%	13	10	77%	3	23%
California State University, Hayward	007	28	22	79%	6	21%	24	20	83%	4	17%
California State University, Long Beach	008	5	5	100%	0	0%	5	5	100%	0	0%
California State University, Los Angeles	009	12	10	83%	2	17%	7	7	100%	0	0%
California State University, Northridge	010	22	19	86%	3	14%	18	16	89%	2	11%
California State University, Sacramento	011	14	13	93%	1	7%	11	10	91%	1	9%
California State University, San Bernardino	012	6	5	83%	1	17%	5	4	80%	1	20%
California State University, Stanislaus	013	2	1	50%	1	50%	2	1	50%	1	50%
Changed to school code 243	102	1	1	100%	0	0%	1	1	100%	0	0%
Chapman University, Orange	113	14	13	93%	1	7%	14	13	93%	1	7%
Dominican University of California	117	5	2	40%	3	60%	5	2	40%	3	60%
Fresno Pacific Bibilical Seminary, Fresno	127	3	3	100%	0	0%	3	3	100%	0	0%
Fuller Theological Seminary, Pasadena	119	12	10	83%	2	17%	11	10	91%	1	9%
Golden Gate University	151	10	7	70%	3	30%	7	6	86%	1	14%
HIS University	247	1	1	100%	0	0%	1	1	100%	0	0%
Holy Names University, Oakland	122	4	2	50%	2	50%	2	1	50%	1	50%
Hope International University	131	9	8	89%	1	11%	8	7	88%	1	12%
Humboldt State University, Arcata	014	1	1	100%	0	0%	0	0		0	
John F. Kennedy University, Orinda	124	40	31	78%	9	22%	29	25	86%	4	14%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
La Sierra University	252	1	1	100%	0	0%	1	1	100%	0	0%
Loma Linda University, Orinda	125	6	6	100%	0	0%	6	6	100%	0	0%
Loyola Marymount University, Los Angeles	126	10	8	80%	2	20%	7	7	100%	0	0%
Mount St. Mary's College, Los Angeles	128	36	31	86%	5	14%	32	27	84%	5	16%
National University	129	79	56	71%	23	29%	50	41	82%	9	18%
Northcentral University	256	5	5	100%	0	0%	4	4	100%	0	0%
Notre Dame de Namur University	116	14	11	79%	3	21%	9	7	78%	2	22%
OUT-OF-COUNTRY	400	1	1	100%	0	0%	1	1	100%	0	0%
Out-of-State	300	36	28	78%	8	22%	30	24	80%	6	20%
Pacific Oaks College, Pasadena	133	37	20	54%	17	46%	19	15	79%	4	21%
Pacifica Graduate Institute, Carpenteria	154	14	12	86%	2	14%	9	9	100%	0	0%
Palo Alto University	258	23	23	100%	0	0%	23	23	100%	0	0%
Pentecostal Theological Seminary	249	1	1	100%	0	0%	1	1	100%	0	0%
Pepperdine University, Malibu	135	70	59	84%	11	16%	63	55	87%	8	13%
Phillips Graduate Institute	106	32	28	88%	4	12%	27	23	85%	4	15%
POINT LOMA NAZARENE UNIVERSITY	261	5	4	80%	1	20%	5	4	80%	1	20%
Ryokan College, Los Angeles	216	1	1	100%	0	0%	0	0		0	
San Diego State University	015	11	9	82%	2	18%	10	8	80%	2	20%
San Diego University for Integrative Studies	244	1	1	100%	0	0%	0	0		0	
San Francisco State University	016	14	12	86%	2	14%	13	12	92%	1	8%
San Jose State University	017	2	2	100%	0	0%	2	2	100%	0	0%
Santa Barbara Graduate Institute	245	1	1	100%	0	0%	1	1	100%	0	0%
Santa Clara University	144	36	33	92%	3	8%	32	31	97%	1	3%
Saybrook University	137	1	0	0%	1	100%	1	0	0%	1	100%
Simpson University	254	7	7	100%	0	0%	6	6	100%	0	0%
Sofia University, San Jose	155	1	1	100%	0	0%	1	1	100%	0	0%
Sonoma State University	018	7	7	100%	0	0%	5	5	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and Seminary)	237	6	2	33%	4	67%	3	2	67%	1	33%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
St. Mary's College of CA, Moraga	136	5	5	100%	0	0%	4	4	100%	0	0%
The Chicago School of Professional Psychology at Los Angeles	251	27	22	81%	5	19%	23	20	87%	3	13%
TOURO UNIVERSITY	262	10	7	70%	3	30%	7	6	86%	1	14%
University of La Verne, La Verne	140	13	12	92%	1	8%	10	9	90%	1	10%
University of Phoenix, Sacramento	238	3	2	67%	1	33%	1	0	0%	1	100%
University of Phoenix, San Diego	236	71	44	62%	27	38%	39	23	59%	16	41%
University of San Diego, San Diego	142	7	7	100%	0	0%	7	7	100%	0	0%
University of San Francisco, San Francisco	143	33	26	79%	7	21%	27	22	81%	5	19%
University of Southern California, Los Angeles	145	8	7	88%	1	12%	7	6	86%	1	14%
University of the West	255	1	1	100%	0	0%	1	1	100%	0	0%
Vanguard University of Southern California	156	9	6	67%	3	33%	8	6	75%	2	25%
Webster University	248	1	1	100%	0	0%	0	0		0	
Western Seminary (Western Conservative Baptist Seminary)	232	8	6	75%	2	25%	7	6	86%	1	14%
Wright Institute, Berkeley	150	29	28	97%	1	3%	26	25	96%	1	4%
LMFT Law and Ethics TOTAL:		1,276	1,021	80%	255	20%	994	848	85%	146	15%

LICENSE TYPE: LPCC

EXAM: LPCC Law and Ethics

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka CSPP)	112	3	1	33%	2	67%	3	1	33%	2	67%
Alliant International University (aka US International)	139	2	1	50%	1	50%	2	1	50%	1	50%
Antioch University, Los Angeles	241	2	2	100%	0	0%	2	2	100%	0	0%
Antioch University, Santa Barbara	243	1	1	100%	0	0%	1	1	100%	0	0%
Argosy University (aka American School of Prof. Psych.	204	9	5	56%	4	44%	4	3	75%	1	25%
Azusa Pacific University,	20	1	1	100%	0	0%	1	1	100%	0	0%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Azusa Pacific University, Azusa	103	26	13	50%	13	50%	20	8	40%	12	60%
Bethel Theological Seminary	152	2	1	50%	1	50%	1	1	100%	0	0%
Brandman University	253	10	4	40%	6	60%	7	2	29%	5	71%
California Baptist University, Riverside	105	17	6	35%	11	65%	16	6	38%	10	62%
California Institute of Integral Studies, S.F.	107	2	2	100%	0	0%	2	2	100%	0	0%
California Southern University	246	2	1	50%	1	50%	1	1	100%	0	0%
California State University, Fresno	005	7	3	43%	4	57%	3	1	33%	2	67%
California State University, Fullerton	006	10	9	90%	1	10%	9	8	89%	1	11%
California State University, Hayward	007	2	1	50%	1	50%	2	1	50%	1	50%
California State University, Los Angeles	009	2	0	0%	2	100%	2	0	0%	2	100%
California State University, Northridge	010	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Sacramento	011	11	7	64%	4	36%	9	6	67%	3	33%
California State University, San Bernardino	012	18	11	61%	7	39%	11	8	73%	3	27%
California State University, Stanislaus	013	6	3	50%	3	50%	4	1	25%	3	75%
Capella University	260	1	0	0%	1	100%	0	0		0	
Chapman University, Orange	113	4	2	50%	2	50%	4	2	50%	2	50%
Dominican University of California	117	2	1	50%	1	50%	2	1	50%	1	50%
GRAND CANYON UNIVERSITY	264	1	0	0%	1	100%	0	0		0	
Holy Names University, Oakland	122	2	0	0%	2	100%	0	0		0	
Hope International University	131	1	1	100%	0	0%	1	1	100%	0	0%
John F. Kennedy University, Orinda	124	4	3	75%	1	25%	3	2	67%	1	33%
Loma Linda University, Orinda	125	3	1	33%	2	67%	3	1	33%	2	67%
Loyola Marymount University, Los Angeles	126	10	6	60%	4	40%	7	3	43%	4	57%
National University	129	5	3	60%	2	40%	3	2	67%	1	33%
Notre Dame de Namur University	116	6	3	50%	3	50%	4	2	50%	2	50%
Out-of-State	300	91	55	60%	36	40%	69	43	62%	26	38%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Pacifica Graduate Institute, Carpenteria	154	7	6	86%	1	14%	7	6	86%	1	14%
Palo Alto University	258	10	7	70%	3	30%	9	7	78%	2	22%
Pepperdine University, Malibu	135	11	10	91%	1	9%	10	10	100%	0	0%
San Diego State University	015	23	16	70%	7	30%	20	15	75%	5	25%
San Francisco State University	016	4	1	25%	3	75%	3	1	33%	2	67%
San Jose State University	017	7	4	57%	3	43%	5	4	80%	1	20%
Santa Clara University	144	6	5	83%	1	17%	6	5	83%	1	17%
Sonoma State University	018	2	2	100%	0	0%	1	1	100%	0	0%
St. Mary's College of CA, Moraga	136	8	6	75%	2	25%	8	6	75%	2	25%
The Chicago School of Professional Psychology at Los Angeles	251	4	4	100%	0	0%	3	3	100%	0	0%
TOURA UNIVERSITY	262	3	1	33%	2	67%	3	1	33%	2	67%
UC, San Diego	054	4	4	100%	0	0%	4	4	100%	0	0%
UC, San Francisco	055	2	0	0%	2	100%	2	0	0%	2	100%
University of La Verne, La Verne	140	8	3	38%	5	62%	6	2	33%	4	67%
University of Phoenix, San Diego	236	3	0	0%	3	100%	3	0	0%	3	100%
University of Redlands	259	7	5	71%	2	29%	2	2	100%	0	0%
University of San Diego, San Diego	142	9	8	89%	1	11%	5	4	80%	1	20%
University of San Francisco, San Francisco	143	11	9	82%	2	18%	11	9	82%	2	18%
Vanguard University of Southern California	156	2	2	100%	0	0%	2	2	100%	0	0%
Western Seminary (Western Conservative Baptist Seminary)	232	4	4	100%	0	0%	3	3	100%	0	0%
Wright Institute, Berkeley	150	1	1	100%	0	0%	1	1	100%	0	0%
LPCC Law and Ethics TOTAL:		400	246	62%	154	38%	311	198	64%	113	36%

EXAM: NCMHCE Exam

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Alliant International University (aka US International)	139	1	1	100%	0	0%	1	1	100%	0	0%
Argosy University (aka American	204	1	0	0%	1	100%	1	0	0%	1	100%

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
School of Prof. Psych.											
Azusa Pacific University, Azusa	103	4	2	50%	2	50%	2	1	50%	1	50%
Brandman University	253	3	2	67%	1	33%	3	2	67%	1	33%
Calif. Polytechnic State University, San Luis Obispo - Cal Poly	001	1	0	0%	1	100%	0	0		0	
California Baptist University, Riverside	105	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Fullerton	006	2	2	100%	0	0%	2	2	100%	0	0%
California State University, Los Angeles	009	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Sacramento	011	2	1	50%	1	50%	2	1	50%	1	50%
California State University, San Bernardino	012	1	1	100%	0	0%	1	1	100%	0	0%
California State University, Stanislaus	013	3	1	33%	2	67%	3	1	33%	2	67%
Capella University	260	3	2	67%	1	33%	3	2	67%	1	33%
Chapman University, Orange	113	2	1	50%	1	50%	1	0	0%	1	100%
Fuller Theological Seminary, Pasadena	119	1	1	100%	0	0%	1	1	100%	0	0%
GRAND CANYON UNIVERSITY	264	2	1	50%	1	50%	1	0	0%	1	100%
John F. Kennedy University, Orinda	124	2	2	100%	0	0%	2	2	100%	0	0%
Loyola Marymount University, Los Angeles	126	4	3	75%	1	25%	2	1	50%	1	50%
National University	129	2	1	50%	1	50%	2	1	50%	1	50%
Notre Dame de Namur University	116	1	1	100%	0	0%	1	1	100%	0	0%
OUT-OF-COUNTRY	400	1	1	100%	0	0%	1	1	100%	0	0%
Out-of-State	300	37	28	76%	9	24%	29	24	83%	5	17%
Pepperdine University, Malibu	135	5	3	60%	2	40%	4	2	50%	2	50%
San Diego State University	015	3	1	33%	2	67%	3	1	33%	2	67%
San Francisco State University	016	2	2	100%	0	0%	2	2	100%	0	0%
Santa Clara University	144	3	3	100%	0	0%	3	3	100%	0	0%
Sonoma State University	018	2	2	100%	0	0%	2	2	100%	0	0%
Southern California Seminary (aka Southern CA Bible College and	237	1	1	100%	0	0%	0	0		0	

Board of Behavioral Sciences

EXAM RESULTS BY SCHOOL

EXAM DATES: Jul 1, 2019 THROUGH Sep 30, 2019

SCHOOL		EXAM RESULTS					FIRST TIMER				
SCHOOL NAME	CODE	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT	TAKING EXAM	PASSED	PASSED PERCENT	FAILED	FAILED PERCENT
Seminary)											
St. Mary's College of CA, Moraga	136	1	0	0%	1	100%	0	0		0	
The Chicago School of Professional Psychology at Los Angeles	251	4	1	25%	3	75%	4	1	25%	3	75%
University of La Verne, La Verne	140	1	1	100%	0	0%	0	0		0	
University of Redlands	259	1	1	100%	0	0%	1	1	100%	0	0%
University of San Diego, San Diego	142	2	2	100%	0	0%	2	2	100%	0	0%
WALDEN UNIVERSITY	263	1	1	100%	0	0%	1	1	100%	0	0%
Wright Institute, Berkeley	150	1	1	100%	0	0%	1	1	100%	0	0%
NCMHCE Exam TOTAL:		102	72	71%	30	29%	83	60	72%	23	28%

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Memo

To:	Board Members	**Date:**	November 13, 2019
From:	Laurie Williams Human Resources Liaison	**Telephone:**	(916) 574-7850
Subject:	**Personnel Update – November 2019**		

New Employees

Staff Services Analyst (SSA) / Criminal Conviction Unit – Robert Esquivel was promoted to a Staff Services Analyst position in the Enforcement Unit effective June 28, 2019 to perform the duties of an Enforcement Analyst. Mr. Esquivel was an LMFT Evaluator in the Licensing Unit.

Management Services Technician (MST) / Licensing – Effective July 3, 2019, John Hicks promoted to a Management Services Technician (MST) in the Licensing Unit. Mr. Hicks is responsible as an AMFT Evaluator as well as he functions as a School Liaison. Mr. Hicks former position with the Board was Licensing Support.

Associate Governmental Program Analyst (AGPA) / Discipline & Probation – Sabrina Barrera-Ybarra joined the Board to fill this AGPA position on July 15, 2019 to act as a Probation Analyst. Ms. Barrera-Ybarra previously worked for the Commission on Teacher Credentialing.

Associate Governmental Program Analyst (AGPA) / Consumer Complaint & Investigations – Sam Hall as transferred as an Associate Governmental Program Analyst in the Enforcement Unit to perform the duties of an Enforcement Analyst effective July 31, 2019. Mr. Hall transferred from the Discipline & Probation Unit where he functioned as a Discipline Analyst.

Office Technician (OT) \ Cashiering – Effective August 26, 2019, Paul Drabkin joined the Board to fill this OT position as a Cashier. Mr. Drabkin previously worked in private industry for many years and performed administrative duties for a construction company.

Associate Governmental Program Analyst (AGPA) / Discipline & Probation Unit – Mary Nunez was promoted to an AGPA position in the Enforcement Unit effective September 5, 2019 to perform the duties of a Discipline Analyst. Ms. Nunez was an Enforcement Analyst with the Board performing Applicant Background Investigations in the Criminal Conviction Unit.

Management Services Technician (MST) / Licensing – Effective October 2, 2019, Sabra D'Ambrosio promoted to a Management Services Technician (MST) in the Licensing Unit. Ms. D'Ambrosio functions as a LMFT Evaluator. Ms. D'Ambrosio former position with the Board was an Enforcement Technician supporting the Discipline & Probation Unit.

Associate Governmental Program Analyst / Administration – Lisa Cigelske was promoted to an Associate Governmental Program Analyst position to function as the Board Performance Analyst, Website Coordinator, Social Media and a BreEZe Liaison effective October 21, 2019. Ms. Cigelske was a Continuing Education & Compliance Analyst in the Licensing Unit.

Departures

Charles Johnson transferred to the California Highway Patrol effective June 14, 2019. Mr. Johnson functioned as the Board Performance Analyst and Website Coordinator in the Administration Unit.

Trish Winkler retired from state service effective September 20, 2019. Ms. Winkler was a LCSW Evaluator for the Board.

Vacancies

The Board currently has eleven vacancies. Recruitment efforts to fill these vacancies are as follows:

Staff Services Manager I (Specialist) (SSMI) / Executive Office – This SSMI will be the subject matter expert responsible for the legislative process; related advocacy and represent the Board at all legislative hearings and meetings. The Board is currently advertising to fill this vacancy.

Staff Services Manager I / Licensing – This manager oversees, monitors, assigns, and maintains the daily oversight of the Licensing Unit. The Board will begin recruiting for this vacancy in the coming months.

Staff Services Analyst / Enforcement Analyst – This position is assigned to the Criminal Conviction Unit and conducts subsequent arrest investigations. The Board has chosen a qualified candidate and is awaiting final approval from the Office of Human Resources (OHR).

Staff Services Analyst / Licensing – This position is assigned to the perform the duties of a Continuing Education & Compliance Analyst. The Board will begin recruit in the coming month.

Management Services Technician (MST) (4 vacancies) / Licensing (4 vacancies) – These positions will perform the duties related to the Licensed Clinical Social Workers (LCSW) and the Licensed Marriage and Family Therapists (LMFT) as a Licensing Evaluator. These positions will be submitted to OHR to begin the recruitment process this week.

Office Technician (OT) / Discipline & Probation – This position functions as an Enforcement Technician supporting the unit. The Hiring Manager has reviewed the applications and will conducting interviews next week.

Office Technician (OT) / Licensing – This position provides Licensing Support. This vacancy is currently being advertised with a final filing date of November 14, 2019.

Office Technician (OT) / Cashiering – This position functions as a Cashier. The Board is reclassing this vacancy to an MST in the Licensing Unit to function as an evaluator. This position will be submitted to OHR to begin the recruitment process this week.

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Memo

To:	Board Members	**Date:**	November 6, 2019
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**Strategic Plan Update**		

Attached for your review is the Strategic Plan update.

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Licensing ***Establish licensing standards to protect consumers and allow reasonable and timely access to the profession.***	**DUE DATE**	**STATUS**
1.1 Identify and implement enhanced communication during the application process to respond to stakeholder concerns regarding communication between applicants and the Board.	**July 2021**	
1.2 Improve and expand the Board's virtual online BreEZe functionality to provide applicants with the precise status of their applications and license.	**July 2020**	
1.3 Research and explore a comprehensive online application process to improve efficiency.	**January 2021**	**March 2018 –** Request submitted to revise BreEZe to allow L/E exam and Initial Licensure Applications submitted online. **March 2019 -** Online submission for Law and Ethics exam and request for certification of licensure available.
1.4 Evaluate and revise current laws and regulations relating to licensure portability to increase consumer access to mental health care.	**January 2021**	**August 2018** – License Portability Committee recommendations and draft regulations will be considered during the August 2018 Policy and Advocacy meeting. **September 2018**-Board members approve recommendations **January 2019** – Author for bill obtained **March 2019 –** In the Senate Appropriation committee **September 2019** Governor signs bill SB 679. **Completed**

Examinations ***Administer fair, valid, comprehensive, and relevant licensing examinations.***	**DUE DATE**	**STATUS**
2.1 Improve the efficiency and reduce processing times to streamline the online exam application.	**January 2021**	**February 2019** – Submission of Law and Ethics application via online available March 2019
2.2 Explore methods to improve the candidate's exam experience to address concerns relating to the quality and customer service.	**July 2019**	**August 2018** Board management initiates process to procure a vendor to administer Board developed examinations. **February 2019** Contract submitted to DCA **November 2019** New vendor to begin January 2, 2020
2.3 Improve the Board's examination study materials to increase access to exam preparation.	**July 2019**	**October 2018** Board management met with OPES to discuss options to assist candidates in examination preparation. **November 2019** Candidate handbook will be updated.
2.4 Evaluate the Association of Marriage and Family Therapy Regulatory Board's (AMFTRB) national examination to determine if appropriate for use in California.	**July 2020**	**September 2018** Executive Officer attended presentation regarding national exam at the AMFTRB annual meeting. **October 2018** OPES indicates evaluation will occur upon completion of Board's OA for LMFTs. **September 2019** EO attends presentation regarding national exam at the AMFTRB annual meeting.

Enforcement ***Protect the health and safety of consumers through the enforcement of laws.***	**DUE DATE**	**STATUS**
3.1 Explore the feasibility of additional staff resources to address the increase in number of licensees placed on probation.	**July 2020**	**June 2018 –** Restructured the Enforcement Program to establish a manager position to provide oversight of the Probation and Discipline Unit. **July 2018 –** Request for 1 full time and 1 half time position to monitor probationers was approved. Initiated recruitment for manager. Initiated recruitment for probation monitor positions. **August 2018 –** Manager hired. **July 2019** New staff member hired. Unit is fully staffed. **Completed**
3.2 Educate registrant and licensees about general legal requirements and consequences to practitioners who fail to adhere to these legal requirements.	**July 2019**	**April 2018**- CALPCC Annual Meeting Unprofessional Conduct Presentation **May 2019** CALPCC Annual Meeting Unprofessional Conduct Presentation
3.3 Educate the Deputy Attorney Generals and Administrative Law Judges regarding the disease of addiction and substance abuse to increase their awareness during the discipline process.	**July 2021**	
3.4 Establish uniform standards and templates for reports and evaluations submitted to the Board related to disciplinary matters.	**July 2020**	**April 2018, June 2018, October 2018** – Board staff attends Substance Abuse Coordination Committee to discussion possible revisions to Uniform Standard #4.

Legislation and Regulation ***Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.***	**DUE DATE**	**STATUS**
4.1 Pursue legislation to implement the recommendations of the License Portability Committee to improve license portability.	**January 2020**	**August 2018** – Recommendations presented at August 24, 2018 Policy and Advocacy Committee meeting. **September 2018-**Board approves language – directs staff to initiate legislation process. **January 2019-** Author for bill obtained **March 2019 –** In the Senate Appropriation committee **September 2019** Governor signs bill **Completed**
4.2 Reorganize the statutes and regulations specific to each Board license type to improve understanding of application statutes and regulations.	**January 2021**	
4.3 Continue to review statutory parameters for exempt settings and modify, if necessary, to ensure adequate public protection.	**January 2021**	**August 2018**- Final meeting of the Exempt Setting Committee scheduled for September 12, 2018. **October 2018** P&A members recommend approving proposed setting definitions to full board. **February 2019** P&A Committee refer definitions back to Exempt Committee for additional revisions. **April 2019** Set meeting date for June 7, 2019 to discussion definitions. **November 2019** Board considers proposed language for 2020 legislation

4.4 Explore the feasibility of improving the law and ethics renewal requirements to inform licensees about updates in relevant laws.	**July 2021**	**July 2018** – Board's Continuing Education Analyst attends all major outreach events to educate licensees regarding continuing education requirements. **October 2018 & 2019** CE Presentation to LEPs at CASP Conference
4.5 Review and update existing telehealth regulations to improve consumer protection and access to services.	**January 2020**	**May 2018-**Board established a Telehealth Committee to begin work after January 1, 2019. **October 2019** AEO and Legislative Analyst attend meeting California Telehealth Policy Coalition Briefing

Organizational Effectiveness ***Build an excellent organization through proper Board governance, effective leadership, and responsible management.***	**DUE DATE**	**STATUS**
5.1 Implement a strategic succession plan of Board staff to ensure continued success of the Board's operations.	**January 2020**	**October 2018 –** Probation unit updates procedure manuals.
5.2 Support DCA efforts to contract with independent organizations to perform occupational analyses and salary surveys of management-level positions equivalent to the Executive Officer and Bureau Chief classifications to enhance the Board's ability to attract and retain competitive applicants.	**July 2020**	**Spring 2018** – Board management contacts DCA Executive Management offering assistance with the EO survey and process. **July 2018** DCA reports requests for bid to conduct EO survey near completion. **October 2018** DCA reports some EO's participated in phone interviews with contractor. Contractor will develop survey for all EO's to complete. ETA for report early 2019. **March 2019** DCA reports study concluded and will share study information with EO's and Boards at a later date. **Report released**
5.3 Explore the feasibility of hiring in-house counsel to ensure consistency in the application of law.	**July 2021**	**Winter and Spring 2018** – Board management initiates review of existing laws that allow Board's to hire in-house counsel. Board management engaged in discussions to seek similar hiring authority. **August 2018 -** Proposed language to provide the Board with the hiring authority is removed from bill.
5.4 Explore the feasibility of hiring a media and internet technology specialist to increase consistency in messaging to stakeholders.	**July 2021**	**January – March 2019** AEO and EO meet with DCA PIO Officer to establish schedule for consistent messaging in Social Media. **May 2019** Initiated use of an APP to load messages for distribution on Social Media.

5.5 Improve customer service with stakeholders to expand (or support) effective communication and accessibility to the Board.	**July 2019**	**Spring 2018** – Implemented revised phone system. **January and March 2019 -** Began working with department to develop and implement instructional videos and social media campaign that will increase engagement of registrants and licensees.

Outreach and Education ***Engage stakeholders through continuous communication about the practice and regulation of the professions, and mental health.***	**DUE DATE**	**STATUS**
6.1 Explore modalities of communication to expand and increase outreach.	**January 2020**	**January and March 2019** Meeting with assigned PIO officer to discuss strategies to enhance social media presence. **May 2019** Initiated use of an APP to load messages for distribution on Social Media.
6.2 Advocate to increase Board presence at national professional association meetings to enhance awareness of national trends and best practices.	**July 2021**	**May 2018** – Received approval for Board EO to attend ASWB Spring Education Conference in Halifax, Nova Scotia to present draft license portability plan. **July 2018**- Received approval for Board EO to attend NBCC, AMFTRB, and ASWB national meetings in Fall 2018. **July 2019** EO and Board Members approved to attend NBCC and ASWB national meetings. EO to attend AMFTRB meeting.
6.3 Develop an outreach program to educate the public about the benefits of mental health to reduce barriers and destigmatize mental health care.	**July 2020**	**January and March 2019-**Initiated a plan with assigned PIO to develop an instructional video to explain more about our licensees and what they do. **October 2019** AEO and EO attend workshop related to suicide prevention.
6.4 Explore opportunities to coordinate with stakeholders to increase diversity of mental health practitioners to better serve California's diverse population.	**July 2021**	**October 2018**- Board staff participates in meeting with various stakeholders to discuss implementation of AB 2105. **November 2019** OSHP Workforce and Development presentation.

6.5 Improve outreach activities to educational institutions, students, and applicants to educate incoming registrants of application requirements for licensure.	**January 2021**	**August 2018** – Board management initiates discussions with SOLID to discuss developing video tutorials for Board website. **January and March 2019-**Initiated a plan with PIO to develop an instructional video to guide associates through the registrant process.

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Memo

To:	Board Members	**Date:**	November 13, 2019
From:	Steve Sodergren Assistant Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**Exam Contract**		

On November 4, 2019 the Board initiated a contract with Pearson Vue.
Under this contract, Pearson Vue will be administering the CA Law & Ethics, LMFT Clinical and LEP Standard Written exam. This contract will replace the Department wide contract, with PSI, that the board currently is under and that will expire on December 31, 2019. This is a three-year contract with the option to add two additional years.

Since February 2019 Board staff have been working with DCA's contract unit to process the contract. During that time Pearson Vue and the Department's Office of Information Services (OIS) and Office of Professional Examination Services (OPES) have been working closely with Board staff in developing the new exam delivery system. The board intends for a smooth transition with minimal disruption to exam candidates. Currently, it is projected that candidate will be able to schedule exams beginning December 20th and the administration of exams will begin on January 4th.

Pearson Vue is a recognized leader in computer-based-testing and the currently the administrator of two of the Clinical exams required for licensure in California: Association of Social Work Boards Clinical Exam (ASWB) and the National Clinical Mental Health Counselor Exam (NCMHCE). They have twenty-seven sites within CA and have and more than two hundred sites nationally. Pearson View also allows testing at select test centers on military installations. As part of the contract, Pearson VUE will be responsible for approving and providing special accommodations for qualified exam candidates.

During the next two months the board will be working to ensure that exam candidates are thoroughly informed about how this change will affect them. Information will be distributed by email, website updates, and social media postings. Staff is also working to identify the candidate populations that would be most affected and plans to communicate more directly with those candidates.

There will be no delays in the scores for candidates during or after the transition.

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Memo

To:	Board Members	**Date:**	November 6, 2019
From:	Kim Madsen Executive Officer	**Telephone:**	(916) 574-7841
Subject:	**Presentation: Overview of Licensed Mental Health Service Provider Education Program**		

Background

The Licensed Mental Health Service Provider Education Program is a competitive loan repayment grant program administered by the Health Professions Education Foundation, which is a part of the the Office of Statewide Health Planning and Development (OSHPD).

Upon license renewal, the Board's marriage and family therapists (LMFTs), clinical social workers (LCSWs), and professional clinical counselors (LPCCs) each pay $20 into the program as part of their renewal fee. (Licensed educational psychologists (LEPs) do not currently pay into, and are not eligible to benefit from, the program.)

The $20 fee is collected from each renewing licensee by the Department of Consumer Affairs (DCA) and is then transferred to OSHPD for use in the grant program. A licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under this program to reimburse educational loans related to a career as a licensed mental health service provider. Eligible license types are as follows:

- Registered or Licensed Psychologist
- Postdoctoral Psychological Assistant
- Postdoctoral Psychological Trainee
- Registered or Licensed Marriage and Family Therapist
- Registered or Licensed Clinical Social Worker
- Registered or Licensed Professional Clinical Counselor

Update

Norlyn Asprec, Executive Director of the Health Professions Education Foundation at OSHPD, will provide an update and overview of the grant program.

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Board of Behavioral Sciences

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Memo

To:	Board Members	**Date:**	November 13, 2019
From:	Christy Berger Regulatory Analyst	**Telephone:**	(916) 574-7817
Subject:	**Agenda Item XXX**		

Agenda item XXX (Update on 2019-2020 Sunset Review Report) will be provided in a supplemental package.

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Memo

To:	Board Members	**Date:**	November 6, 2019
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Proposed Legislation: Technical Changes for 2020**		

Upon review, staff recommends that several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences be amended. The proposed amendments are as follows:

1. Amend BPC Sections 4987.5, 4998, and 4999.123 – Professional Corporations

Background: These three sections specify that licensed marriage and family therapist (LMFT), licensed clinical social worker (LCSW), and licensed professional clinical counselor (LPCC) corporations are authorized to render professional services as long as the corporation and its shareholders, officers, directors, and employees rendering professional services, who are certain specified license holders, are in compliance with the Moscone-Knox Professional Corporation act and other relevant statutes and regulations.

The sections go on to list which license types may be officers, directors, or employees rendering professional services. However, this list is already in Section 13401.5 of the Corporations Code. Occasionally, the legislature changes the list in the Corporations Code. For example, midwives and naturopathic doctors are more recent additions that are listed in the Corporations Code, but not in the BPC sections cited above.

Recommendation: Staff recommends striking the list of professions in sections 4987.5, 4998, and 4999.123 of the Business and Professions Code, as they are already listed in the Corporations Code. These sections already state that the shareholders, officers, directors, or professional employees must be in compliance with the Moscone-Knox Act, so re-stating the professions is duplicative.

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2. **Amend BPC Section 4980.43.3 - Renumbering**

   Background: BPC Section 4980.43.3 contains a numbering error in subdivision (c). The two criteria listed as (1) and (2) should instead be labeled as subdivisions (A) and (B).

   Recommendation: Renumber the contents of subdivision (c) in order to correct the error.

3. **Amend BPC Sections 4980.43.2, 4996.23.1, 4999.46.2 – Definition of "One Hour of Direct Supervisor Contact"**

   Background: These sections define "one hour of direct supervisor contact" as a specified amount of face-to-face contact between one supervisor and their supervisees.

   The intent of the term "face-to-face" contact is to require that the supervisor and supervisee(s) meet in person for the supervision session. This is implied by reviewing subdivisions 4980.43.2(d), 4996.23.1(f), and 4999.46.2(d), which state that notwithstanding the definitions of "one hour of direct supervisor contact", an associate working in an exempt setting may obtain their required weekly direct supervisor contact via videoconferencing. However, due to questions about the meaning of "face-to-face", staff believes it would be helpful to clarify that "face-to-face" contact means that the contact must be in-person.

   Recommendation: Amend the definition of "one hour of direct supervisor contact" in sections 4980.43.2, 4996.23.1, and 4999.46.2 to specify that it is required to be in-person face-to-face contact.

4. **Amend BPC Sections 4980.01, 4996.14, 4999.22 – Notice to Clients About Filing a Complaint**

   Background: Last year via AB 630, the Board amended the law to require that unlicensed or unregistered therapists in exempt settings provide their clients with information about where to file a complaint about the therapist.

   In its review of the bill, the Senate Committee on Business, Professions, and Economic Development suggested that additional language also be included in the notice provided to clients of unlicensed or unregistered therapists:

   > *The Board of Behavioral Sciences receives and responds to complaints regarding services provided by licensed or registered counselors. If you have a complaint and are unsure if your counselor is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the Board's online license verification feature by visiting www.bbs.ca.gov.*

Adding this language would provide a consumer who is unsure about their therapist's license status with an additional resource (the Board's contact number and website) so that they could check if their therapist is licensed or registered.

Recommendation: Amend the above statement into the notice required by sections 4980.01, 4996.14, and 4999.22.

5. Amend BPC Section 4990.30 - Petitions for Reinstatement or Modification of Penalty

Background: The Board's legal counsel has recommended clarifying certain provisions regarding the procedure for petitioning to terminate probation early or modify a penalty, in order to clear up some ambiguities in BPC section 4990.30:

- Subdivision (b) currently specifies timeframes after which a petition can be filed with the Board. Until recently, the Board has operated under the assumption that time during which a probation is tolled also counts toward the specified timeframes. However, in a recent case, an administrative law judge challenged this assumption, stating it is incorrect. Staff wishes to clarify that the timeframes exclude any periods of probation tolling.

- Subdivision (c) states that that a petition may be heard either by the Board, or that the Board can assign the petition to an administrative law judge. However, subdivision (d) implies that the petitioner has some say in who hears the case, stating "The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets." While the intent of this is likely to provide that the petitioner may request their case to be heard, for example at a southern California board meeting if they live in southern California, it also possibly inadvertently implies that a petitioner can request the Board to hear a case, instead of an administrative law judge.

Recommendation: Amend subdivision (b) to exclude periods of probation tolling from the required timeframes before a petition can be filed. Amend subdivision (d) to clarify that a petitioner can only request a hearing location if the Board is hearing the case.

6. Amend BPC Section 4996.22 – Acceptable LCSW Continuing Education Providers

Background: Currently, the law states that social workers can only obtain continuing education from an accredited school if 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: Amend BPC Section 4996.22 to permit clinical social workers to obtain continuing education from a school accredited by the US Department of Education (USDE) or approved by the Bureau for Private Postsecondary Education (BPPE).

7. Amend BPC Section 4999.46.1 – Delete Duplicative Definition of Supervision

Background: Currently, two sections of LPCC statute define "supervision." These sections are BPC §4999.12 and §4999.46.1. BPC §4999.12 defines terms used throughout the LPCC licensing statute, and therefore the definition is most appropriate there. It does not need to be duplicated in §4999.46.1.

Recommendation: Delete the duplicative definition of "supervision" in BPC §4999.46.1.

8. Amend BPC Sections 4983, 4989.66, 4996.12, and 4999.86 – Fines for Licensing Act Violations

Background: LMFT and LPCC law both have provisions establishing a misdemeanor charge and a fine of $2,500 and/or six months in county jail for violating the respective licensing acts.

LCSW law has this clause as well, however the fine amount is less, at $1,000. LEP law states a violation of its chapter is a misdemeanor but does not specify a punishment of jail time or a fine.

Staff believes the stated punishment for a violation of the Board's licensing acts should be consistent but has been unable to determine the reason for the inconsistency. Both the LMFT section establishing the $2,500 fine, and the LCSW section establishing the $1,000 fine were established in the mid-1980's and have not been amended since. Legislative history that might explain the reason for the differing fines is not available that far back. The LPCC licensing law was established in 2009 and was modeled after the LMFT licensing law, which explains why the LPCC and LMFT fines are consistent.

The Board of Psychology has a similar provision (BPC §2970) that establishes a fine of $2,000. (It was also last amended in the mid-1980's).

The fines referenced above are court fines. BPC §125.9 grants boards the authority to establish a system for issuance of citations and administrative fines via regulations. The Board has done this in regulation section 1886.40, which establishes fines of up to $2,500 for citable offenses, or up to $5,000 if the particular offense meets certain specified circumstances.

Recommendation: Amend LMFT, LEP, LCSW and LPCC law to specify the misdemeanor punishment for a licensing act violation is a fine as determined by the court and/or six months in jail. (Note: staff reached out to the Assembly Business and Professions Committee to see if this issue could be addressed as a clean-up amendment in the Board's upcoming sunset bill. They indicated a willingness to examine and possibly address the issue there as well.)

Policy and Advocacy Committee Recommendation

At its October 11, 2019 meeting, the Policy and Advocacy Committee recommended that the following changes be made, and that the proposal be brought to the Board for consideration as a legislative proposal:

- **Item #4:** Change references to "therapist" and "psychotherapist" in these sections to "counselor" for consistency with other references in the section. Include the Board's website as another way to check if a counselor is licensed.

- **Item #8:** Instead of specifying a fine amount, which is currently inconsistent across license types for unknown reasons, amend the sections to state that the fine referenced is to be determined by the court.

Additional Item

Staff has discovered the need to make one additional technical correction since the October Policy and Advocacy Committee meeting.

9. Amend BPC 4996.17.2 – Correct Numbering Reference

Background: BPC §4996.17.2(c) contains an incorrect reference. This subdivision, which discusses education requirements for out-of-state applicants who do not qualify for the new streamlined pathway to licensure provided by the passage of this year's SB 679, states that out-of-state applicants must either have a master's degree from an accredited school of social work, or they must comply with subdivision (g) of 4996.18.

The reference to §4996.18(g) is incorrect. That section was recently renumbered, and (g) now states that associates must inform their patients that they are under supervision prior to services. The correct reference is to §4996.18(e), which states that an out-of-country degree must be deemed equivalent to a Counsel on Social Work accredited degree.

Recommendation: Amend §4996.17.2(c) to correctly reference §4996.18(e).

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and bring to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language

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ATTACHMENT A
TECHNICAL AMENDMENTS - 2020
PROPOSED LANGUAGE

AMEND §4980.01. (Includes Chaptered Language From AB 630)

(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 Law.

(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 their pastoral or professional duties, or to any person who is admitted to practice law in the state, *or a* physician and surgeon who provides counseling services as part of their professional practice.

(c) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed solely under the supervision of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by licensed or registered counselors. If you have a complaint and are unsure if your counselor is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the Board's online license verification feature by visiting www.bbs.ca.gov.

(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.

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 in-person face-to-face contact between one supervisor and one supervisee.

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

(3) Group supervision, which means two hours of in-person 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) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable 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) 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. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice.

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

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

~~(2)~~(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 4980.02.

~~(3)~~(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

~~(4)~~(3) An applicant for registration as an associate shall not be employed or volunteer in a private practice 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 and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives 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.

§4983. VIOLATION; MISDEMEANOR; PUNISHMENT

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine ~~not exceeding two thousand five hundred dollars ($2,500)~~ as determined by the court, or by both.

AMEND §4987.5. DEFINITION

A marriage and family therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services ~~who are licensed marriage and family therapists, physicians and surgeons, psychologists, licensed professional clinical counselors, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists~~ are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a marriage and family therapy corporation, the governmental agency referred

to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

AMEND §4989.66. VIOLATION OF CHAPTER; MISDEMEANOR

A person who violates any of the provisions of this chapter is guilty of a misdemeanor~~.~~ punishable by imprisonment in the county jail not exceeding six months, or by a fine as determined by the court, or by both.

AMEND §4990.30. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY (Includes Chaptered Language From SB 786)

(a) A licensed marriage and family therapist, associate marriage and family therapist, licensed clinical social worker, associate clinical social worker, licensed professional clinical counselor, associate professional clinical counselor, or licensed educational psychologist whose license or registration has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation. The petition shall be on a form provided by the board and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order. The petition shall be verified by the petitioner who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(b) The licensee or registrant may file the petition on or after the expiration of the following timeframes,. ~~each of which~~Each timeframe excludes any periods during which the probation was tolled, and commences on the effective date of the decision ordering the disciplinary action or, if the order of the board, or any portion of it, is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Three years for reinstatement of a license or registration that was revoked for unprofessional conduct, except that the board may, in its sole discretion, specify in its revocation order that a petition for reinstatement may be filed after two years. A registrant who is ineligible for reinstatement pursuant to Section 4984.01, 4996.28, or 4999.100 may apply for a subsequent registration number.

(2) Two years for early termination of any probation period of three years or more.

(3) One year for modification of a condition, reinstatement of a license or registration revoked for mental or physical illness, or termination of probation of less than

three years. A registrant who is ineligible for reinstatement pursuant to Section 4984.01, 4996.28, or 4999.100 may apply for a subsequent registration number.

(c) The petition may be heard by the board itself or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code.

(d) If the petition is to be heard by the board, the~~The~~ petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(e) The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition and an opportunity to present both oral and documentary evidence and argument to the board or the administrative law judge.

(f) The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that they are entitled to the relief sought in the petition.

(g) The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time their license or registration was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

(h) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate but in no case may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(i) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge, may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4990.40. If a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board. The board may take action with respect to the proposed decision and petition as it deems appropriate.

(j) The petitioner shall pay a fingerprinting fee and provide a current set of their fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the

release shall be confidential and shall not be subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(k) The board may delegate to its executive officer authority to order investigation of the contents of the petition.

(l) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(m) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

AMEND §4996.12. VIOLATIONS; PENALTIES

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding a period of six months, or by a fine ~~not exceeding one thousand dollars ($1,000), or by both.~~as determined by the court, or by both.

AMEND 4996.14. (Includes Chaptered Language From AB 630)

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

(b) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed solely under the supervision of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by licensed or registered counselors. If you have a complaint and are unsure if your counselor is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the Board's online license verification feature by visiting www.bbs.ca.gov.

(c) This chapter shall not apply to a person using hypnotic techniques if their client was referred by a physician and surgeon, dentist, or psychologist.

(d) 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.

AMEND BPC §4996.17.2. (Includes Chaptered Language From AB 630)

(a) This section applies to persons with education gained from an out-of-state school or experience gained outside of California who apply for licensure or registration and who do not qualify for a license under Section 4996.17.1.

(b) The board shall accept experience gained outside of California for the purpose of satisfying the licensure requirements if the experience is substantially the equivalent to the requirements of this chapter. If the applicant has fewer than 3,000 hours of qualifying supervised experience, the board shall accept as qualifying experience the amount of time the applicant held an active license in good standing in another state or country as a clinical social worker at the highest level for independent practice at a rate of 100 hours per month, up to a maximum of 1,200 hours.

(c) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the applicant has received a master's degree from an accredited school of social work, or complies with subdivision ~~(g)~~(e) of Section 4996.18.

(d) In addition to the experience and education described in subdivisions (b) and (c), the applicant shall pass, or have passed, the licensing examinations as specified in Section 4996.1 and pay the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience as described in subdivision (b).

(2) Completion of the coursework or training specified in this paragraph taken from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing

education provider that is identified as acceptable to the board pursuant to Section 4996.22. Undergraduate coursework shall not satisfy this requirement. This coursework may be completed while registered as an associate, unless otherwise specified.

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(E) A minimum of 10 contact hours of coursework in aging and long-term care, as specified in Section 4996.25.

(F) Completion of a 12-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, the application of legal and ethical standards in different types of work settings, and licensing law and process. This coursework shall be completed before registration as an associate.

(G) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(3) On and after January 1, 2021, an applicant for licensure shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4996.27.

(4) The applicant’s license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant’s professional conduct or practice, including any voluntary surrender of

license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where the applicant holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(e) An applicant who obtained a license or registration under another state or country may qualify for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that state or country is active and in good standing at the time of the application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

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).

(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 §4996.23.1 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 in-person face-to-face contact between one supervisor and one supervisee.

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

(3) Group supervision, which means two hours of in-person 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) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable 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) 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 §4998. DEFINITION; RIGHT TO PRACTICE CLINICAL SOCIAL WORK; BOARD AS GOVERNMENTAL AGENCY

A licensed clinical social worker corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services ~~who are licensed clinical social workers, physicians and surgeons, psychologists, licensed professional clinical counselors, licensed marriage and family therapists, registered nurses, chiropractors, or acupuncturists~~ are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs. With respect to a licensed clinical social worker corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.

AMEND §4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES (Includes Chaptered Language From AB 630)

(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 their 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 their professional practice.

(d) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity or a school, a college, a university, or an institution that is both nonprofit and charitable, if both of the following apply:

(1) The work of the employee or volunteer is performed solely under the supervision of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by licensed or registered counselors. If you have a complaint and are unsure if your counselor is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the Board's online license verification feature by visiting www.bbs.ca.gov.

(e) All persons registered as associates or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of 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)~~(b) An associate shall do both of the following:

(1) 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)~~(c) 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 in-person face-to-face contact between one supervisor and one supervisee.

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

(3) Group supervision, which means two hours of in-person 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) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or institution that is both nonprofit and charitable 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) 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.

§4999.86. VIOLATIONS OF CHAPTER PROVISIONS; MISDEMEANOR

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine ~~not exceeding two thousand five hundred dollars ($2,500)~~ as determined by the court, or by both. ~~that fine and imprisonment.~~

AMEND §4999.123. DEFINITIONS

A professional clinical counselor corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees who are rendering professional services ~~and who are licensed professional clinical counselors, licensed marriage and family therapists, physicians and surgeons, psychologists, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists,~~ are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a professional clinical counselor corporation, the term "governmental agency" in the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) shall be construed to mean the Board of Behavioral Sciences.

Board of Behavioral Sciences

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Memo

To:	Board Members	**Date:**	November 6, 2019
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Proposed Legislation: Amendments Needed Due to the Passage of AB 2138 (2018) and AB 2396 (2014)**		

AB 2138 (Chu and Low, Chapter 995, Statutes of 2018) was signed into law last year and becomes effective on July 1, 2020. This bill makes amendments to DCA boards' enforcement processes, including placing new limits on when a board can deny a license based on a conviction or prior formal disciplinary action. (See **Attachment B** for the text of AB 2138.)

AB 2396 (Bonta, Chapter 737, Statutes of 2014) prohibited boards under DCA from denying a license solely based on the applicant having certain types of convictions that have been expunged. (See **Attachment C** for the text of AB 2396.)

The passage of both bills require clean-up amendments in the Board's four practice acts so that related language is consistent throughout the statutes (See **Attachment A**). These amendments fall into four categories, as described below:

1. **Amend BPC Sections 4980.40, 4989.20, 4996.2, 4999.42, and 4999.51 – Qualifications for Licensure or Registration.**

   Background: These sections list criteria needed to qualify for a license or registration. One of these criteria is that the person must not have committed any acts or crimes constituting grounds for denial of licensure under BPC Section 480. (BPC Section 480 outlines the reasons a board may deny a license, and it was significantly changed by AB 2138.)

   BPC Section 480 used to allow denial of licensure based on convictions or certain acts involving fraud, dishonesty, or deceit. However, that language has been changed, and now denial is permitted based on certain types of convictions or based on formal discipline due to professional misconduct that occurred within a specific time frame and that is substantially related to the profession.

   Recommendation: Given the recent changes to BPC Section 480, staff recommends striking the old language that the applicant must not have

committed acts or crimes constituting grounds for denial under Section 480. Instead, staff recommends an amendment that simply states that the person must not be subject to denial of licensure pursuant to section 480.

2. **Amend BPC Sections 4980.40, 4989.24, 4996.2, 4999.42, and 4999.51 – Reference to Penal Code Section 290**

   Background: Penal Code (PC) §290 specifies various types of crimes for which registration as a sex offender is required.

   PC §290 is being reorganized effective January 1, 2021. Under the new version of that law, the types of sex offenses have been organized into three tiers, depending on the severity of the crime. The higher the tier, the longer the required registration as a sex offender.

   Attachment D shows the current and upcoming versions of PC §290.

   AB 2138 amended BPC §480 to specify that only the two higher tier sex offenses in the new PC §290 are subject to license denial regardless of the seven-year age limitation. However, there are several sections in the Board's practice acts that specify denial for any required registration under PC 290. However, these are now overridden by the changes made in AB 2138.

   Recommendation: Amend the above listed sections of the Business and Professions Code to specify that any denials due to PC §290 registration must also be in accordance with the conditions for denial specified in section 480.

3. **Amend BPC Sections 4982, 4989.54, 4992.3, and 4999.90– Unprofessional Conduct Provisions.**

   Background: These sections contain a definition of a conviction. However, AB 2138 amended the definition of a conviction in BPC §7.5 for the purposes of denying a license pursuant to section 480. Therefore, staff recommends referencing that definition here.

   These sections also contain language permitting suspension, revocation, or denial of a license regardless of whether a conviction has been dismissed pursuant to Penal Code Section 1203.4. However, due to amendments made in AB 2396 and AB 2138, denial of licensure is not permitted on the basis of this type of dismissed conviction. Therefore, instead of including this specific language, staff recommends an amendment stating actions to suspend, revoke, or deny a license must be in compliance with Division 1.5 of the Business and Professions Code (this Division contains section 480 and contains the statutes governing denial, suspension, and revocation of licenses.)

Recommendation: Amend these unprofessional conduct sections to reference the definition of a conviction referenced in BPC §7.5. Also amend the sections to state that suspensions, revocations, or denials of a license or registration must be in accordance with Division 1.5 of the Business and Professions Code.

4. **Amend BPC Section 4999.80 – References to Statutes Governing License Denials, Suspensions, or Revocations.**

   Background: This section references laws governing license denials, suspensions, or revocations. BPC section 490 governs license suspensions and revocations and is not included in the list of referenced sections. Staff believes it should be.

   Recommendation: Amend BPC §4999.80 to include BPC §490 in the list of referenced sections that pertain to license denials, suspensions, or revocations.

Policy and Advocacy Committee Recommendation

At its meeting on October 11, 2019, the Policy and Advocacy Committee recommended that these amendments be brought to the Board for consideration as a legislative proposal.

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and bring to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language

Attachment B: AB 2138 Text

Attachment C: AB 2396 Text

Attachment D: Penal Code Section 290 – Version expiring January 1, 2021 and new version becoming effective January 1,2021.

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ATTACHMENT A
AB 2138 AMENDMENTS
PROPOSED LANGUAGE

AMEND §4980.40. QUALIFICATIONS

An applicant for licensure shall satisfy all of the following qualifications:

(a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.

(b) Be at least 18 years of age.

(c) Have at least two years of supervised experience as specified in this chapter and its corresponding regulations.

(d) Successfully pass a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(e) ~~Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.~~ Not be subject to denial of licensure pursuant to Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory, in accordance with Section 480.

§4982. UNPROFESSIONAL CONDUCT (Includes AB 991 Chaptered Amendments)

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. ~~A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or~~

~~registrant under this chapter shall be deemed to be a conviction within the meaning of this section.~~ A conviction has the same meaning as defined in section 7.5 of the Business and Professions Code. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence.~~, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment~~.All actions pursuant to this subdivision must be taken in accordance with Division 1.5 of this chapter.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to themself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

(d) Gross negligence or incompetence in the performance of marriage and family therapy.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the licensee or registrant or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, registered associate, or applicant for licensure under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, a fee shall not be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of any registered associate, trainee, or applicant for licensure by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a trainee, registered associate, or applicant for licensure under one's supervision or control to perform, or permitting the trainee, registered associate, or

applicant for licensure to hold themself out as competent to perform, mental health services beyond the trainee's, registered associate's, or applicant for licensure's level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

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

(y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(z) Failure to comply with Section 2290.5.

(aa) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(ab) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

§4989.20. LICENSURE REQUIREMENTS

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) ~~No commission of an act or crime constituting grounds for denial of licensure under Section 480.~~ Is not subject to denial of licensure pursuant to Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

(5) Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(6) One of the following:

(A) One year of supervised professional experience in an accredited school psychology program.

(B) In addition to the requirements of paragraph (5), one year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.

(7) Passage of an examination specified by the board.

§4989.24. CONVICTION INVOLVING SEXUAL ABUSE OF CHILDREN

The board shall not issue a license to a person who has been convicted of a crime in this or any other state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory. A denial issued pursuant to this section shall comply with the conditions for denial specified in section 480.

§4989.54. UNPROFESSIONAL CONDUCT (Includes AB 1651 Chaptered Amendments)

The board may deny a license or may suspend or revoke the license of a licensee if the person has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) Conviction of a crime substantially related to the qualifications, functions, and duties of an educational psychologist.

(1) The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(2) The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee under this chapter.

(3) ~~A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee under this chapter shall be deemed to be a conviction within the meaning of this section.~~ A conviction has the same meaning as defined in section 7.5 of the Business and Professions Code.

(4) The board may order a license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence.~~, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty or setting aside the verdict of guilty or dismissing the accusation, information, or indictment.~~ All actions pursuant to this subdivision must be taken in accordance with Division 1.5 of this chapter.

(b) Securing a license by fraud, deceit, or misrepresentation on an application for licensure submitted to the board, whether engaged in by an applicant for a license or by a licensee in support of an application for licensure.

(c) Administering to themselves a controlled substance or using any of the dangerous drugs specified in Section 4022 or an alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to themselves or to any other person or to the public or to the extent that the use impairs their ability to safely perform the functions authorized by the license. The board shall deny an application for a license or revoke the license of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing educational psychology.

(d) Failure to comply with the consent provisions in Section 2290.5.

(e) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(f) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(g) Commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee.

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States or by any other governmental agency, on a license, certificate, or registration to practice educational

psychology or any other healing art. A certified copy of the disciplinary action, decision, or judgment shall be conclusive evidence of that action.

(i) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as an educational psychologist, a clinical social worker, professional clinical counselor, or marriage and family therapist.

(j) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(k) Gross negligence or incompetence in the practice of educational psychology.

(l) Misrepresentation as to the type or status of a license held by the licensee or otherwise misrepresenting or permitting misrepresentation of the licensee's education, professional qualifications, or professional affiliations to any person or entity.

(m) Intentionally or recklessly causing physical or emotional harm to any client.

(n) Engaging in sexual relations with a client or a former client within two years following termination of professional services, soliciting sexual relations with a client, or committing an act of sexual abuse or sexual misconduct with a client or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed educational psychologist.

(o) Before the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients.

(q) Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(r) Performing, holding oneself out as being able to perform, offering to perform, or permitting any unlicensed person under supervision to perform, any professional services beyond the scope of the license authorized by this chapter or beyond the person's field or fields of competence as established by the person's education, training, or experience. For purposes of this subdivision, "unlicensed person" includes, but is not limited to, an applicant for licensure, an associate, an intern, or a trainee under the Licensed Marriage and Family Therapist Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)).

(s) Reproducing or describing in public, or in any publication subject to general public distribution, any psychological test or other assessment device the value of which depends in whole or in part on the naivete of the subject in ways that might invalidate the

test or device. An educational psychologist shall limit access to the test or device to persons with professional interests who can be expected to safeguard its use.

(t) Aiding or abetting an unlicensed person to engage in conduct requiring a license under this chapter.

(u) When employed by another person or agency, encouraging, either orally or in writing, the employer's or agency's clientele to utilize the person's private practice for further counseling without the approval of the employing agency or administration.

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

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

(x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(y) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(z) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

(aa) Impersonation of another by any licensee or applicant for a license, or, in the case of a licensee, allowing any other person to use the person's license.

(ab) Permitting an unlicensed person under the licensee's supervision or control to perform, or permitting that person to hold themselves out as competent to perform, mental health services beyond the unlicensed person's level of education, training, or experience. For purposes of this subdivision, "unlicensed person" is defined in subdivision (r).

(ac) The violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person, including an unlicensed person identified in subdivision (ab), by a licensee that violates this chapter, the Licensed Marriage and

Family Therapist Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)), or any rules or regulations adopted by the board pursuant to those provisions. For purposes of this subdivision, "unlicensed person" is defined in subdivision (r).

(ad) The violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person required by the Licensed Marriage and Family Therapist Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)).

§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT (Includes AB 991 Chaptered Amendments)

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. ~~A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section.~~ A conviction has the same meaning as defined in section 7.5 of the Business and Professions Code. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence.~~, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.~~All actions pursuant to this subdivision must be taken in accordance with Division 1.5 of this chapter.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to themself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner,

as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under the person's care.

(d) Incompetence in the performance of clinical social work.

(e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.

(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.

(g) Misrepresentation as to the type or status of a license or registration held by the licensee or registrant or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

(h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.

(i) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(j) Intentionally or recklessly causing physical or emotional harm to any client.

(k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.

(m) Performing, or holding oneself out as being able to perform, or offering to perform or permitting, any registered associate, trainee, or applicant for licensure under

supervision to perform any professional services beyond the scope of the license authorized by this chapter.

(n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).

(q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.

(s) Any conduct in the supervision of any registered associate, trainee, or applicant for licensure by any licensee that violates this chapter or any rules or regulations adopted by the board.

(t) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(u) Permitting an applicant for licensure, trainee, or registrant under one's supervision or control to perform, or permitting the supervisee to hold themself out as competent to perform, mental health services beyond the supervisee's level of education, training, or experience.

(v) The violation of any law governing the gaining or supervision of experience required by this chapter.

(w) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

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

(z) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(aa) Failure to comply with Section 2290.5.

(ab) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(ac) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

§4996.2. QUALIFICATIONS OF LICENSEES

Each applicant for a license shall furnish evidence satisfactory to the board that he or she complies with all of the following requirements:

(a) Is at least 21 years of age.

(b) Has received a master's degree from an accredited school of social work.

(c) Has had two years of supervised post-master's degree experience, as specified in Section 4996.23.

(d) ~~Has not committed any crimes or acts constituting grounds for denial of licensure under Section 480.~~ Not be subject to denial of licensure pursuant to Section 480. The board shall not issue a registration or license to any person who has been convicted of any crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory, in accordance with section 480.

(e) Has completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after January 1, 1986.

(f) Has completed instruction and training in spousal or partner abuse assessment, detection, and intervention. This requirement applies to an applicant who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003. An applicant who began graduate training on or after January 1, 2004, shall complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

(g) Has completed a minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 1807 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

(h) Has completed a minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 1807.2 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; SUPERVISION (Includes SB 679 Chaptered Amendments)

(a) Except as provided in subdivision (b) of Section 4996.23, an applicant shall have an active registration with the board as an associate clinical social worker in order to gain hours of supervised experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) ~~Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.~~Not be subject to denial of licensure pursuant to Section 480.

(3) Have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers. The coursework shall be taken from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board, as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. The coursework shall include instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and the practitioner's professional behavior and ethics.

(F) The application of legal and ethical standards in different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from 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 shall be eligible, and, except as provided in subdivision (b) of Section 4996.23, shall be required to register as an associate clinical social worker in order to gain experience toward licensure if the applicant ~~has not~~

~~committed any crimes or acts that constitute grounds for~~ is not subject to denial of licensure ~~under~~ pursuant to Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that the applicant possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(f) All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.

(g) All applicants and registrants shall inform each client or patient before performing any professional services that the applicant or registrant is unlicensed and is under the supervision of a licensed professional.

§4999.42. ASSOCIATE REGISTRATION; QUALIFICATION

(a) An applicant shall meet all of the following qualifications to qualify for registration as an associate:

(1) Earned a master's or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32

shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

(2) Be at least 18 years of age.

(3) ~~Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.~~ Not be subject to denial of licensure pursuant to Section 480.

(b) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory. A denial issued pursuant to this subdivision shall comply with the conditions for denial specified in section 480.

§4999.51. CRIMINAL OFFENDER RECORD INFORMATION; REQUIREMENTS FOR LICENSURE AND REGISTRATION

An applicant for licensure as a professional clinical counselor or registration as an associate shall satisfy the following qualifications:

(a) ~~Not have committed acts or crimes constituting grounds for denial of licensure under Section 480.~~Not be subject to denial of licensure pursuant to Section 480.

(b) Not have been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory. A denial issued pursuant to this subdivision shall comply with the conditions for denial specified in section 480.

(c) Have successfully passed a state and federal level criminal offender record information search conducted through the Department of Justice by submitting fingerprint images and other information to the Department of Justice for the purpose of obtaining records of state and federal convictions and arrests. The board shall request the subsequent arrest notification service on all applicants, pursuant to Section 11105.2 of the Penal Code.

§4999.80. ENFORCEMENT OF LAWS; BOARD DUTIES

In order to carry out the provisions of this chapter, the board shall do all of the following:

(a) Enforce laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.

(b) Investigate complaints concerning the conduct of any licensed professional clinical

counselor.

(c) Revoke, suspend, or fail to renew a license that it has authority to issue for just cause, as enumerated in rules and regulations of the board. The board may deny, suspend, or revoke any license granted under this chapter pursuant to Section 480, 481, 484, 490, 496, 498, or 499.

§4999.90. UNPROFESSIONAL CONDUCT

The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any associate or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. ~~A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section.~~ A conviction has the same meaning as defined in section 7.5 of the Business and Professions Code. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence.~~, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.~~ All actions pursuant to this subdivision must be taken in accordance with Division 1.5 of this chapter.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to themself any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a

registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.

(d) Gross negligence or incompetence in the performance of licensed professional clinical counseling services.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of the licensee's or registrant's education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use the licensee's or registrant's license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional clinical counselor.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, applicant, or registrant under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling

services actually provided by the licensee. This subdivision does not prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of a registered associate, trainee, or applicant by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a trainee, associate, or applicant under one's supervision or control to perform, or permitting the trainee, associate, or applicant to hold themself out as competent to perform, mental health services beyond the trainee's, associate's, or applicant's level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

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

(y) Repeated acts of negligence.

(z) (1) Engaging in an act described in Section 261, 286, 287, or 289 of, or former Section 288a of, the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental

interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.

(ac) Failing to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

(ad) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 2138

CHAPTER 995

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

Legislative Counsel's Digest

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from

denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

(i) Chapter 1 (commencing with Section 5000) of Division 3.

(ii) Chapter 6 (commencing with Section 6500) of Division 3.

(iii) Chapter 9 (commencing with Section 7000) of Division 3.

(iv) Chapter 11.3 (commencing with Section 7512) of Division 3.

(v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing

with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

(1) Been convicted of a crime.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false

statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary

Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480; or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser

refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

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Assembly Bill No. 2396

CHAPTER 737

An act to amend Section 480 of the Business and Professions Code, relating to expungement.

[Approved by Governor September 28, 2014. Filed with Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, Bonta. Convictions: expungement: licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on various grounds, including, but not limited to, conviction of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law prohibits a board from denying a license on the ground that the applicant has committed a crime if the applicant shows that he or she obtained a certificate of rehabilitation in the case of a felony, or that he or she has met all applicable requirements of the criteria of rehabilitation developed by the board, as specified, in the case of a misdemeanor.

Existing law permits a defendant to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty in any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or has been convicted of a misdemeanor and not granted probation and has fully complied with and performed the sentence of the court, or has been sentenced to a county jail for a felony, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted this or other specified relief and requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

This bill would prohibit a board within the Department of Consumer Affairs from denying a license based solely on a conviction that has been dismissed pursuant to the above provisions. The bill would require an applicant who has a conviction that has been dismissed pursuant to the above provisions to provide proof of the dismissal.

The people of the State of California do enact as follows:

SECTION 1. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

O

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680] *(Part 1 enacted 1872.)*

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.5] *(Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)*

CHAPTER 5.5. Sex Offenders [290 - 294] *(Chapter 5.5 heading added by Stats. 2006, Ch. 337, Sec. 10.)*

290. (a) Sections 290 to 290.024, inclusive, shall be known and may be cited as the Sex Offender Registration Act. All references to "the Act" in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the rest of his or her life while residing in California, or while attending school or working in California, as described in Sections 290.002 and 290.01, shall register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall be required to register thereafter in accordance with the Act.

(c) The following persons shall register:

Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 287, 288, or 289 or former Section 288a, Section 207 or 209 committed with intent to violate Section 261, 286, 287, 288, or 289 or former Section 288a, Section 220, except assault to commit mayhem, subdivision (b) and (c) of Section 236.1, Section 243.4, Section 261, paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 287, 288, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, or former Section 288a, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

(Amended (as amended by Stats. 2017, Ch. 541, Sec. 1.5) by Stats. 2018, Ch. 423, Sec. 51. (SB 1494) Effective January 1, 2019. Repealed as of January 1, 2021, by its own provisions. See later operative version amended by Sec. 52 of Stats. 2018, Ch. 290. Note: This section was amended on November 6, 2012, by initiative Prop. 35.)

290. (a) Sections 290 to 290.024, inclusive, shall be known, and may be cited, as the Sex Offender Registration Act. All references to "the Act" in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the period specified in subdivision (d) while residing in California, or while attending school or working in California, as described in Sections 290.002 and 290.01, shall register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall register thereafter in accordance with the Act, unless the duty to register is terminated pursuant to Section 290.5 or as otherwise provided by law.

(c) The following persons shall register:

Every person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 287, 288, or 289 or former Section 288a, Section 207 or 209 committed with intent to violate Section 261, 286, 287, 288, or 289 or former Section 288a, Section 220, except assault to commit mayhem, subdivision (b) or (c) of Section 236.1, Section 243.4, Section 261, paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 287, 288, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, or former Section 288a, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the offenses described in this subdivision; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the offenses described in this subdivision.

(d) A person described in subdivision (c), or who is otherwise required to register pursuant to the Act shall register for 10

years, 20 years, or life, following a conviction and release from incarceration, placement, commitment, or release on probation or other supervision, as follows:

(1) (A) A tier one offender is subject to registration for a minimum of 10 years. A person is a tier one offender if the person is required to register for conviction of a misdemeanor described in subdivision (c), or for conviction of a felony described in subdivision (c) that was not a serious or violent felony as described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(B) This paragraph does not apply to a person who is subject to registration pursuant to paragraph (2) or (3).

(2) (A) A tier two offender is subject to registration for a minimum of 20 years. A person is a tier two offender if the person was convicted of an offense described in subdivision (c) that is also described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, Section 285, subdivision (g) or (h) of Section 286, subdivision (g) or (h) of Section 287 or former Section 288a, subdivision (b) of Section 289, or Section 647.6 if it is a second or subsequent conviction for that offense that was brought and tried separately.

(B) This paragraph does not apply if the person is subject to lifetime registration as required in paragraph (3).

(3) A tier three offender is subject to registration for life. A person is a tier three offender if any one of the following applies:

(A) Following conviction of a registerable offense, the person was subsequently convicted in a separate proceeding of committing an offense described in subdivision (c) and the conviction is for commission of a violent felony described in subdivision (c) of Section 667.5, or the person was subsequently convicted of committing an offense for which the person was ordered to register pursuant to Section 290.006, and the conviction is for the commission of a violent felony described in subdivision (c) of Section 667.5.

(B) The person was committed to a state mental hospital as a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(C) The person was convicted of violating any of the following:

(i) Section 187 while attempting to commit or committing an act punishable under Section 261, 286, 287, 288, or 289 or former Section 288a.

(ii) Section 207 or 209 with intent to violate Section 261, 286, 287, 288, or 289 or former Section 288a.

(iii) Section 220.

(iv) Subdivision (b) of Section 266h.

(v) Subdivision (b) of Section 266i.

(vi) Section 266j.

(vii) Section 267.

(viii) Section 269.

(ix) Subdivision (b) or (c) of Section 288.

(x) Section 288.2.

(xi) Section 288.3, unless committed with the intent to commit a violation of subdivision (b) of Section 286, subdivision (b) of Section 287 or former Section 288a, or subdivision (h) or (i) of Section 289.

(xii) Section 288.4.

(xiii) Section 288.5.

(xiv) Section 288.7.

(xv) Subdivision (c) of Section 653f.

(xvi) Any offense for which the person is sentenced to a life term pursuant to Section 667.61.

(D) The person's risk level on the static risk assessment instrument for sex offenders (SARATSO), pursuant to Section 290.04, is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.

(E) The person is a habitual sex offender pursuant to Section 667.71.

(F) The person was convicted of violating subdivision (a) of Section 288 in two proceedings brought and tried separately.

(G) The person was sentenced to 15 to 25 years to life for an offense listed in Section 667.61.

(H) The person is required to register pursuant to Section 290.004.

(I) The person was convicted of a felony offense described in subdivision (b) or (c) of Section 236.1.

(J) The person was convicted of a felony offense described in subdivision (a), (c), or (d) of Section 243.4.

(K) The person was convicted of violating paragraph (2), (3), or (4) of subdivision (a) of Section 261 or was convicted of violating Section 261 and punished pursuant to paragraph (1) or (2) of subdivision (c) of Section 264.

(L) The person was convicted of violating paragraph (1) of subdivision (a) of Section 262.

(M) The person was convicted of violating Section 264.1.

(N) The person was convicted of any offense involving lewd or lascivious conduct under Section 272.

(O) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 286.

(P) The person was convicted of violating paragraph (2) of subdivision (c) or subdivision (d), (f), or (i) of Section 287 or former Section 288a.

(Q) The person was convicted of violating paragraph (1) of subdivision (a) or subdivision (d), (e), or (j) of Section 289.

(R) The person was convicted of a felony violation of Section 311.1 or 311.11 or of violating subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, or 311.10.

(4) (A) A person who is required to register pursuant to Section 290.005 shall be placed in the appropriate tier if the offense is assessed as equivalent to a California registerable offense described in subdivision (c).

(B) If the person's duty to register pursuant to Section 290.005 is based solely on the requirement of registration in another jurisdiction, and there is no equivalent California registerable offense, the person shall be subject to registration as a tier two offender, except that the person is subject to registration as a tier three offender if one of the following applies:

(i) The person's risk level on the static risk assessment instrument (SARATSO), pursuant to Section 290.06, is well above average risk at the time of release on the index sex offense into the community, as defined in the Coding Rules for that instrument.

(ii) The person was subsequently convicted in a separate proceeding of an offense substantially similar to an offense listed in subdivision (c) which is also substantially similar to an offense described in subdivision (c) of Section 667.5, or is substantially similar to Section 269 or 288.7.

(iii) The person has ever been committed to a state mental hospital or mental health facility in a proceeding substantially similar to civil commitment as a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(5) (A) The Department of Justice may place a person described in subdivision (c), or who is otherwise required to register pursuant to the Act, in a tier-to-be-determined category if his or her appropriate tier designation described in this subdivision cannot be immediately ascertained. An individual placed in this tier-to-be-determined category shall continue to register in accordance with the Act. The individual shall be given credit for any period for which he or she registers towards his or her mandated minimum registration period.

(B) The Department of Justice shall ascertain an individual's appropriate tier designation as described in this subdivision within 24 months of his or her placement in the tier-to-be-determined category.

(e) The minimum time period for the completion of the required registration period in tier one or two commences on the date of release from incarceration, placement, or commitment, including any related civil commitment on the registerable offense. The minimum time for the completion of the required registration period for a designated tier is tolled during any period of subsequent incarceration, placement, or commitment, including any subsequent civil commitment, except that arrests not resulting in conviction, adjudication, or revocation of probation or parole shall not toll the required registration period. The minimum time period shall be extended by one year for each misdemeanor conviction of failing to register under this act, and by three years for each felony conviction of failing to register under this act, without regard to the actual time served in custody for the conviction. If a registrant is subsequently convicted of another offense requiring registration pursuant to the Act, a new minimum time period for the completion of the registration requirement for the applicable tier shall commence upon that person's release from incarceration, placement, or commitment, including any related civil commitment. If the subsequent conviction requiring registration pursuant to the Act occurs prior to an order to terminate the registrant from the registry after completion of a tier associated with the first conviction for a registerable offense, the applicable tier shall be the highest tier associated with the convictions.

(f) Nothing in this section shall be construed to require a ward of the juvenile court to register under the Act, except as provided in Section 290.008.

(g) This section shall become operative on January 1, 2021.

(Amended (as added by Stats. 2017, Ch. 541, Sec. 2.5) by Stats. 2018, Ch. 423, Sec. 52. (SB 1494) Effective January 1, 2019. Section operative January 1, 2021, by its own provisions. Note: This section was amended on November 6, 2012, by initiative Prop. 35.)

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Memo

To: Board Members **Date:** November 6, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: Discussion and Possible Recommendation on Proposed Regulatory Changes to Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees

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The purpose of this agenda item is to consider regulation changes pertaining to examination waiting periods, professional corporations and educational institutions. This proposal would do all of the following:

Examination Waiting Periods (Section 1805.05)

- Specify a 180-day waiting period for a retake of the licensed educational psychologist (LEP) written examination. The waiting period for this exam is currently unspecified, but this time period proposed is consistent with current practice.
- Reduce the waiting period for a board-developed clinical examination to 120 days for consistency with current practice.
- The language as brought to the Policy and Advocacy Committee originally proposed that examination waiting periods be a “minimum” in order to allow for flexibility. However, stakeholders expressed concern about the change, and the Committee asked staff to reconsider. Upon further discussion, staff believes the change is not crucial. The language has been removed.

Professional Corporations (Sections 1850.6 and 1850.7)

- Add licensed professional clinical counselors (LPCC) to the sections pertaining to ownership and transfer of shares, as well as the section on naming a professional corporation, for consistency with the licensed marriage and family therapist (LMFT) and licensed clinical social worker (LCSW) professions.

Accrediting Agencies and Equivalent Degrees (Sections 1832 and 1854)

- Delete the section pertaining to equivalent accrediting agencies for MFT applicants. This section is no longer necessary as it is covered in statute

(Business and Professions Code sections 4980.36, 4980.37, 4980.78 and 4980.79).

- Specify the accrediting agencies that are acceptable for licensed educational psychologist applicant degree programs for consistency with the LMFT, LCSW and LPCC professions, and update the name of the foreign credentials' evaluation service.

Recommendation

Approve the proposed text, and delegate to the Executive Officer the authority to adopt the proposed regulatory changes, to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

Attachment

Proposed Regulatory Language

ATTACHMENT

PROPOSED REGULATORY LANGUAGE

California Code of Regulations

Title 16. Professional and Vocational Regulations

Division 18. Board of Behavioral Sciences

§ 1805.05. REEXAMINATION.

(a) A 90-day waiting period is required between attempts for applicants retaking a California law and ethics examination.

(b) A ~~180~~120-day waiting period is required between attempts for applicants retaking a clinical examination, except as indicated in subdivision ~~(c)~~(d).

(c) A 180-day waiting period is required between attempts for applicants retaking the licensed educational psychologist examination.

~~(c)~~(d) Waiting periods for national examinations that are accepted by the board shall be determined by that national testing entity.

~~(d)~~(e) The Board's Executive Officer may allow for a lesser waiting period, as long as the integrity of the examination or examination security is not compromised.

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.50, 4984.72, 4989.22, 4992.1, 4996.4, 4999.52, 4999.54 and 4999.64, Business and Professions Code.

§ 1850.6. NAME OF CORPORATION.

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections ~~4987.7 and 4998.2,~~ 4987.7, 4998.2 and 4999.125, Business and Professions Code.

§ 1850.7. SHARES: OWNERSHIP AND TRANSFER.

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

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

~~(c)~~(b) Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, ~~his or her~~ the person's shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

~~(d)~~(c)A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when ~~he or she~~ the person again ceases to become a disqualified person.

~~(e)~~(d) The restrictions of ~~subdivisions~~ subdivision (a) ~~or (b)~~ where appropriate and, if appropriate, subdivision ~~(c)~~(b) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

~~(f)~~(e) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or ~~his or her~~ the person's shares.

~~(g)~~(f) The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) ~~or (b)~~ where appropriate-, and where applicable, the restriction of subdivision ~~(c)~~(b), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60, 4988.2 and 4990.20, Business and Professions Code. Reference: Sections 4987.8, 4988, ~~4998.4 and~~ 4998.3, 4998.4, ~~4998.5~~, 4999.126 and 4999.127, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

~~§ 1832. EQUIVALENT ACCREDITING AGENCIES.~~

~~The following accrediting agencies are essentially equivalent to Western College Association, which has been renamed the Western Association of Schools and Colleges, and Northwest Association of Secondary and Higher Schools:~~
~~(a) Middle States Association of Colleges and Secondary Schools.~~
~~(b) New England Association of Schools and Colleges.~~
~~(c) North Central Association of Colleges and Secondary Schools.~~
~~(d) Southern Association of Colleges and Schools.~~
~~(e) The Credentials Evaluation Service of the International Education Research Foundation, Inc. when it evaluates the foreign degree as being equivalent to the required degrees, and those foreign degree programs meet the educational requirements for equivalent degrees and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41 of the Code.~~

~~(f) State of California, Department of Education, Bureau of School Approvals with respect to its functions under Education Code section 29023(a)(2), when applied to master's degree and/or doctoral programs which meet the requirements for an equivalent degree pursuant to section 1830 of these regulations, and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41, of the Code.~~

~~*Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.40, 4980.41 and 4999.12, Business and Professions Code.*~~

§ 1854. ~~EQUIVALENT DEGREES~~ APPROVED EDUCATIONAL INSTITUTIONS.

Educational institutions approved by the board are defined as a college or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education. The board may accept a degree deemed equivalent to that required by section 4989.20 of the Code by a foreign educational credentials evaluation service that is a member of the National Association of Credential Evaluation Services. ~~one of the following agencies:~~

~~(a) Western Association of Schools and Colleges.~~
~~(b) Northwest Commission on Colleges and Universities.~~
~~(c) Middle States Association of Colleges and Secondary Schools.~~
~~(d) New England Association of Schools and Colleges.~~
~~(e) North Central Association of Colleges and Secondary Schools.~~
~~(f) Southern Association of Colleges and Schools.~~
~~(g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree.~~

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4989.20(a)(1), Business and Professions Code.

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Memo

To: Board Members **Date:** November 6, 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 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 is 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 the Board's 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 in the tables 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

A fee increase, if approved by the Board, 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** contains the amendments to statute that would need to be run as legislation.)

- **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** contains the regulations that would need to be amended via a regulatory proposal.)

Recommendation

At its August 2, 2019 meeting, the Policy and Advocacy Committee recommended that the Board consider the language in **Attachment A** and **Attachment B** as legislative and regulatory proposals, respectively.

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.~~

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)~~(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)~~€ 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.~~

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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	$216	$175	n/a	$117
Initial Issuance of License	$130	$200	$100	$75	included w/ application fee	$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.

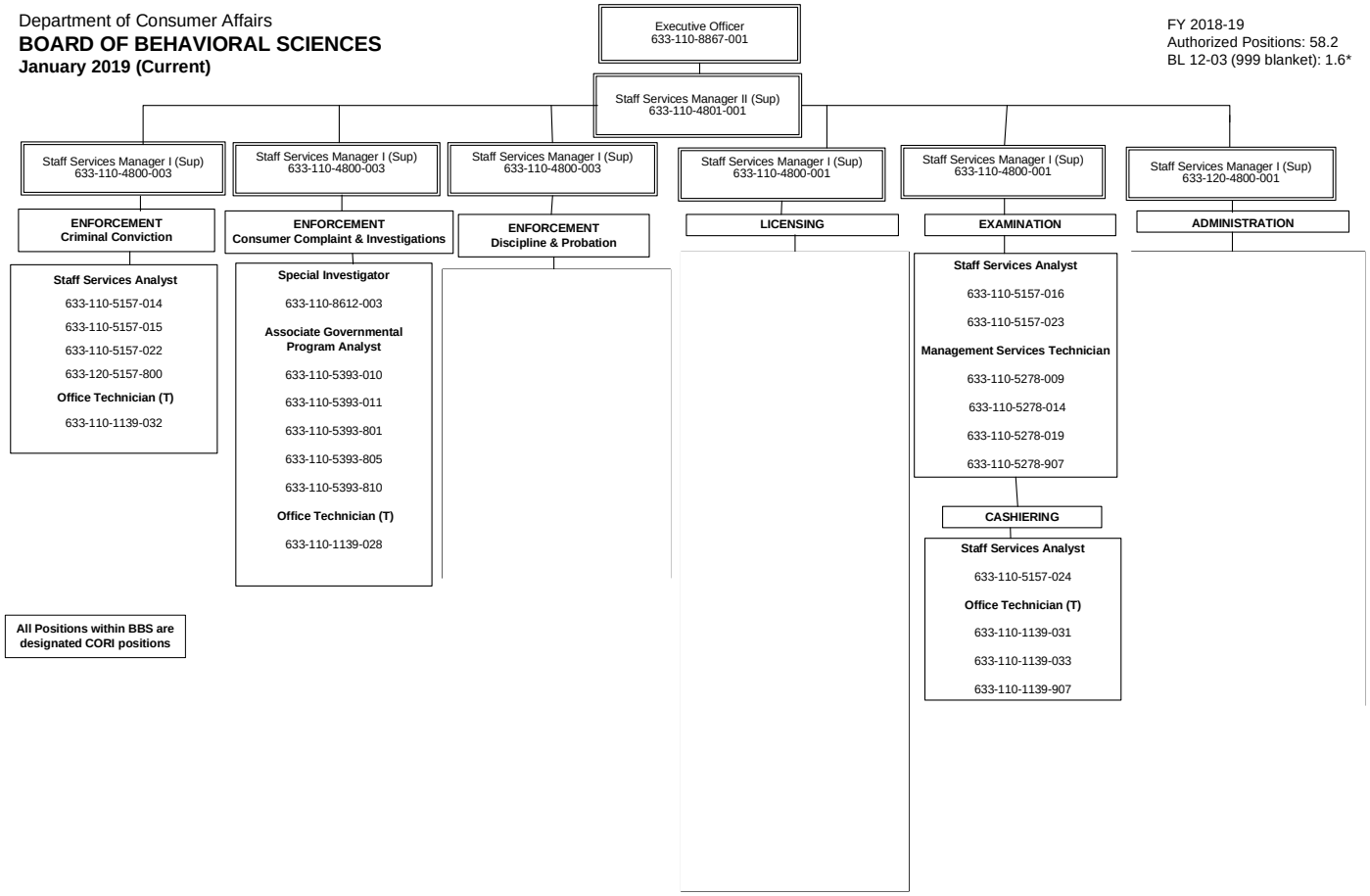
The Executive Officer (EO) functions as operations officer for the Board and manages the Board's resources and staff. The EO oversees the 60 Board positions, directly supervising an Assistant Executive Officer (SSM II) and six-unit managers (SSMIs). The staff are divided among the Criminal Conviction, 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%**

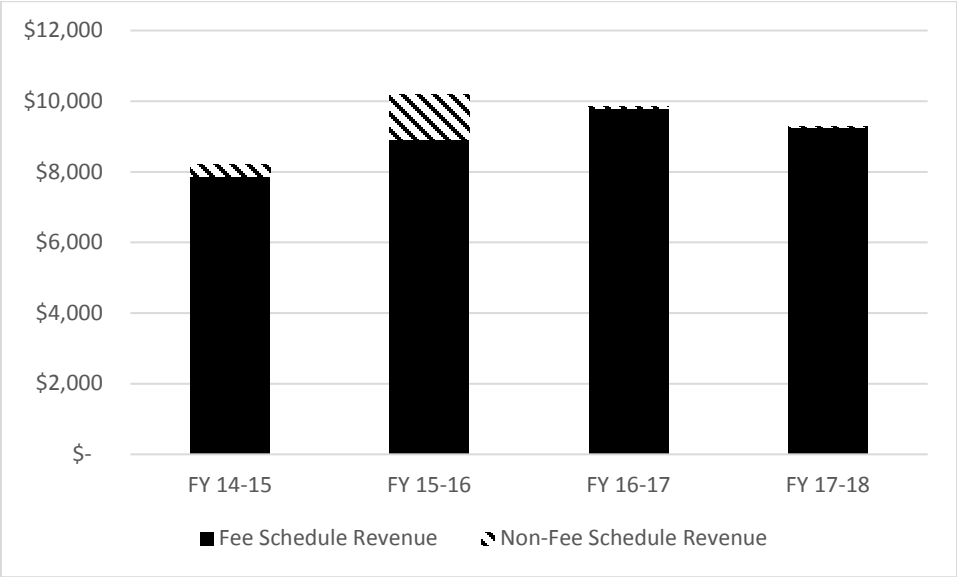
Dollars in thousands
Source: BBS Fund Condition

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%**

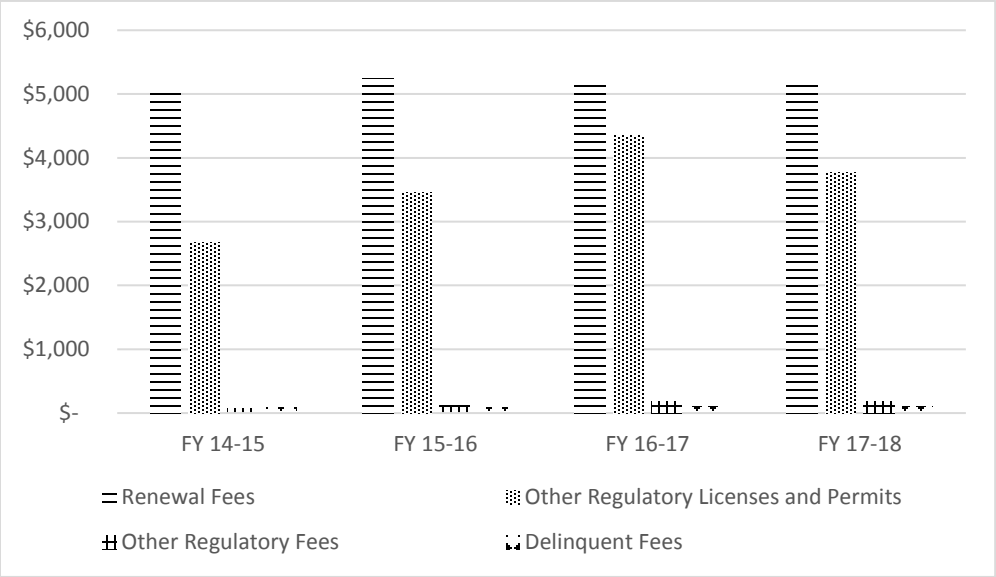
Dollars in thousands
Source: BBS Fund Condition

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

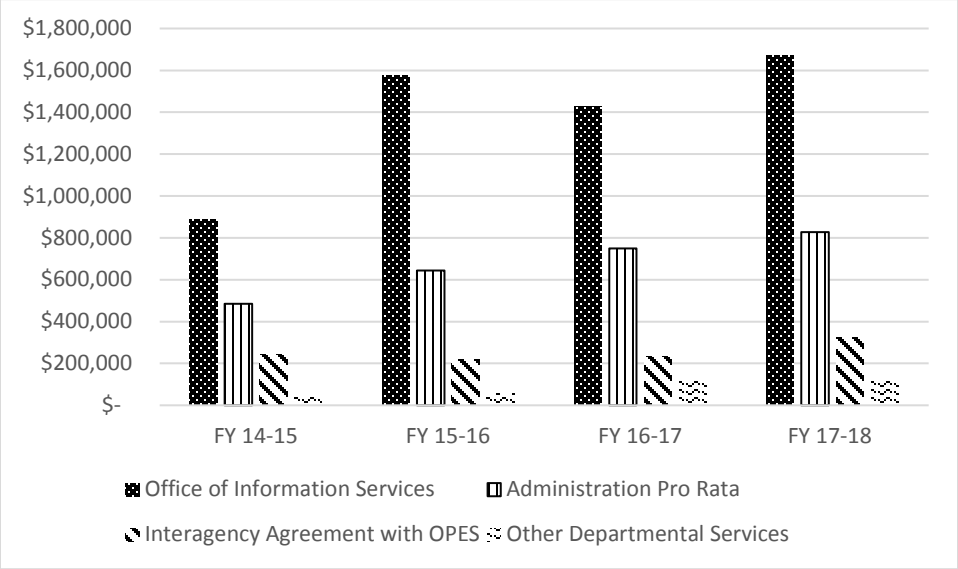
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total
Office of Information Services	$ 885,579	$ 1,575,028	$ 1,428,381	$ 1,670,000	$ 1,389,747	**57.7%**
Administration Pro Rata	$ 485,370	$ 644,320	$ 750,084	$ 828,000	$ 676,944	**28.1%**
Interagency Agreement with OPES	$ 245,297	$ 219,870	$ 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

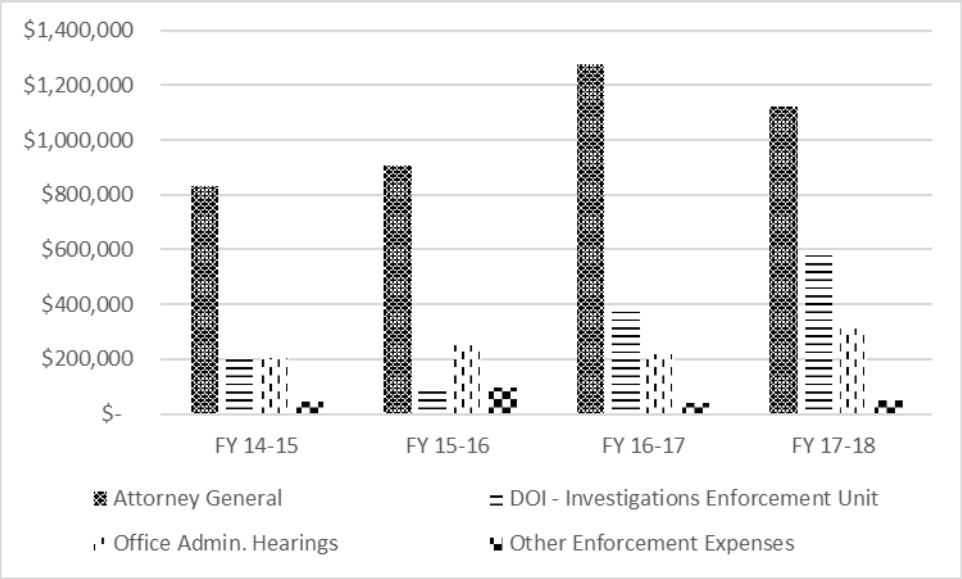
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	4-Yr Avg	% of Total
Attorney General	$ 829,362	$ 907,836	$ 1,274,123	$ 1,123,302	$ 1,033,656	62.6%
DOI - Investigations Enforcement Unit	$ 217,959	$ 82,608	$ 371,795	$ 589,000	$ 315,341	19.1%
Office Admin. Hearings	$ 202,461	$ 249,975	$ 216,656	$ 310,425	$ 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

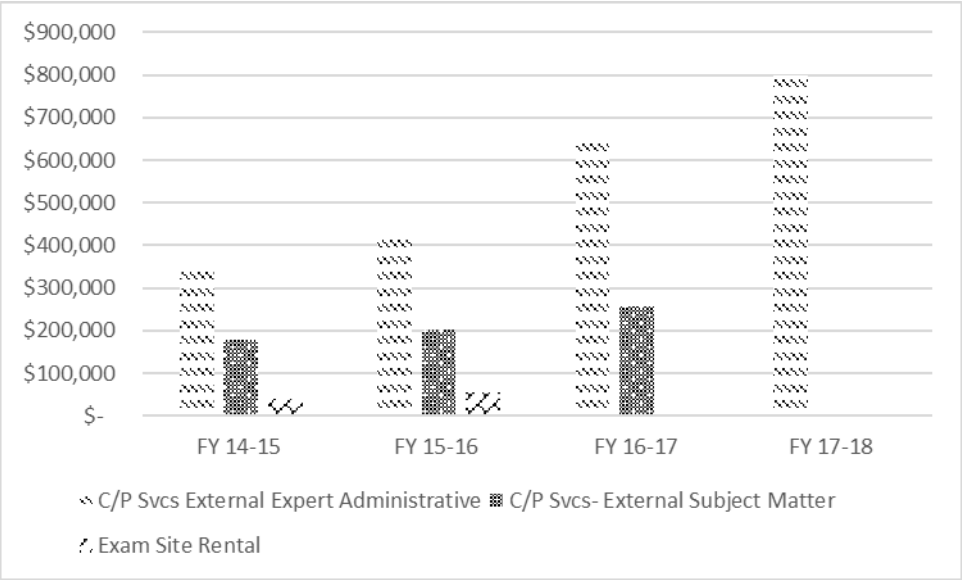
Description	FY 14-15	FY 15-16	FY 16-17	FY 17-18	2-Yr Avg	4-Yr Avg	% of Total
Exam Site Rental	$ 41,656	$ 55,233	$ -	$ -	$ 48,445	$ 24,222	**3.3%**
C/P Svcs External Expert Administrative	$ 338,722	$ 429,296	$ 651,208	$ 798,353		$ 554,395	**75.1%**
C/P Svcs- External Subject Matter	$ 180,090	$ 201,553	$ 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: Board Members **Date:** November 13, 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, as approved by the Policy and Advocacy Committee at its meeting in August 2019, 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, update and make minor changes to provisions of the current regulations
- 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).

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 regulatory language in **Attachment C** would do all of the following:

Training Required Prior to Licensure

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).

Continuing Education for Licensees

4. Clarify that dual licensees only need to 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. Update the list of CE approval agencies and acceptable providers, and place them in alphabetical order (16CCR §§1887.4.1(a) and 1887.4.3(a)(3)).

8. Delete outdated sections that pertained to the Board's former CE regulatory program and delineated the transition to the new program.

9. Allow a licensee who completes a board occupational analysis survey to be awarded with six hours of CE (16CCR §1887.3(k)).

10. 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)).

11. 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.

Continuing Education Waivers for Licensees

CE waivers (aka CE "exceptions") allow a licensee to renew in an active status without completing the required 36 hours of CE during the two years prior to renewal. **Attachment D** contains other healing arts boards' CE 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.

- 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 a number of changes to CE regulations (provided in **Attachment I**). Each of these issues was considered by the Policy and Advocacy Committee (Committee), and some of CAMFT's suggestions were incorporated into the language. CAMFT's concerns, and the Committee's responses, are summarized below:

- Concerned that requiring 6 hours of law and ethics from licensees who are granted a temporary CE waiver would be an undue burden. The Committee decided to retain this requirement, as the licensee could renew inactive until this requirement was completed.

- Consider allowing short "microlearning" courses. The Committee declined to change the law that specifies courses must be at least one hour long. However, current law would allow for shorter modules on different topics to be packaged together into a one-hour or longer CE course.

- Clarify whether a course on "Law and Ethics for Supervisors" meets both 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. The Committee decided to propose amending the regulations to clarify that the same course cannot count toward both requirements(16CCR §1887.3(c)).

- Clarify regulations that require courses to be "based upon methodological, theoretical, research or practice knowledge base." Because CE providers often

struggle to understand what this means, the Committee approved some proposed clarifying language (16CCR §1887.4.0).

- Streamline subsection (c) of section 1887.4.0 on course content. The Committee approved the streamlined language.

- Retain the section of current regulations pertaining to required content for course advertisements, and make it applicable to CE providers operating under an approval agency. CAMFT states that licensees often have difficulty determining whether a course is being offered by an acceptable CE provider. However, since the Board no longer approves individual CE providers, and because approval agencies are now responsible for setting standards for CE providers, there would be no way to enforce such a requirement. Staff committed to making educational efforts to help licensees understand how to find an acceptable course (16CCR §1887.9).

- Retain the section pertaining to course instructor qualifications, and make it applicable to CE providers operating under an approval agency. CAMFT expressed concern that other CE approval agencies may be allowing unqualified instructors. However, 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. (16CCR §1887.10).

Recommendation

Approve the proposed text for a 45-day public comment period, and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

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

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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~~ 36-hour continuing education requirement. A course on law and ethics that is 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 Associate 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.

AMEND § 1887.4.2: APPROVAL AGENCY RESPONSIBILTIES

§ 1887.4.3. Continuing Education Provider Responsibilities.

~~(a)~~ Each board-recognized approval agency shall:

~~(1)~~(a) Evaluate each continuing education provider seeking approval in accordance with the requirements of Section 1887.4.3.

~~(2)~~(b) 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)~~(c) Provide the board with the name, address and responsible party of each provider upon request.

~~(4)~~(d) Respond to complaints from the board, providers, or licensees concerning activities of any of its approved providers or their courses.

~~(5)~~(e) 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)~~(f) Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.

~~(7)~~(g) 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~~ 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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CONNECT
ENRICH
ACHIEVE

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

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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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BBS
Board of Behavioral Sciences

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

Memo

To: Board Members **Date:** October 29, 2019

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

Subject: **Discussion and Possible Recommendations Regarding Practice Setting Definitions**

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

1) 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

2) 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 ran legislation (AB 630, Arambula and Low, Chapter 229, Statutes of 2019) to accomplish those recommendations.

Clarifying practice setting definitions was the second objective of the Exempt Setting Committee. Proposed language related to this objective can be found in **Attachment A** (for LMFTs), **Attachment B** (for LPCCs), **and Attachment C** (for LCSWs).

<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 regulatory agency to provide health care services is not considered a private practice setting.

- It limits supervisors in <u>any</u> **non-exempt setting** 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. The 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.)

- It permits trainees, associates, and applicants for licensure who provide voluntary services in <u>any</u> lawful work setting to be reimbursed for expenses without being considered an independent contractor (previously, this was allowed for all work settings except private practice.

<u>Difference in LPCC Proposed Language</u>

The following amendment is specific to LPCC statute (**Attachment B**) and should be considered separately:

- <u>LPCC section 4999.24 (proposed to be renumbered to 4999.27):</u> This section discusses the training of graduate students as trainees under school supervision. The section discusses that trainees may work in various settings if they are pursuing a degree toward LPCC licensure, or if they are working in a "recognized training program."

The Board does not recognize training programs for graduate students. The Board proposed and successfully deleted similar language from clinical social work statute this year via AB 630, because it implied 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. An amendment was also added to re-iterate that trainees cannot provide services in a private practice or professional corporation.

Previous Discussion

This language was developed by the Exempt Setting Committee and was considered and modified by the Policy and Advocacy Committee. At its August 2, 2019 meeting, the Policy and Advocacy Committee recommended that the Board consider this language as a legislative proposal.

Recommendation

Conduct an open discussion about the proposed language. Direct staff to make any discussed changes and any non-substantive changes, and to pursue as a legislative proposal.

Attachments

Attachment A: Proposed Language: LMFT
Attachment B: Proposed Language: LPCC
Attachment C: Proposed Language: LCSW

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ATTACHMENT A
PROPOSED LANGUAGE: LMFT

AMEND §4980.01. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES (Incorporates AB 630 Amendments)

(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 Law.

(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 their pastoral or professional duties, or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice.

(c) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed ~~solely under the supervision~~ under the oversight and direction of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

(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 regulatory 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 regulatory 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 §4980.43. SUPERVISED EXPERIENCE: ASSOCIATES OR TRAINEES (Incorporates AB 1651 Amendments)

(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 the 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 the applicant 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 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-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 1,200 hours gained under the supervision of a licensed educational psychologist providing educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(10) 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.

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

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

~~(2)~~(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 4980.02.

~~(3)~~(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

~~(4)~~(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.

(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~~ 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 (Incorporates SB 786 Amendments)

(a) A trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where their employer 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. 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 non-exempt setting 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.

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ATTACHMENT B
PROPOSED LANGUAGE: LPCC

AMEND §4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES (Incorporates AB 630 Amendments)

(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 their 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 their professional practice.

(d) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity or a school, a college, a university, or an institution that is both nonprofit and charitable, if both of the following apply:

(1) The work of the employee or volunteer is performed ~~solely under the supervision of~~ under the oversight and direction of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS
The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

(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 regulatory 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 regulatory 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 §4999.46. SUPERVISED POST-MASTER’S EXPERIENCE (Includes AB 1651 Amendments)

(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~~ 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 their 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 they have 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.

(6) A maximum of 1,200 hours gained under the supervision of a licensed educational psychologist providing educationally related mental health services that are consistent with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(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 years prior to the date the application for licensure was received by the board.

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 (Includes SB 786 Amendments)

(a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where their employer 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 non-exempt setting 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.~~

§4999.72. 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.

ATTACHMENT C
PROPOSED LANGUAGE: LCSW

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 (Incorporates AB 630 Amendments)

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

(b) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed ~~solely under the supervision of the~~ under the oversight and direction of the entity.

(2) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS
The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

(c) This chapter shall not apply to a person using hypnotic techniques if their client was referred by a physician and surgeon, dentist, or psychologist.

(d) 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.

(e) Notwithstanding subdivisions (b) and (c), 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 §4996.14.1 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 regulatory 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 §4996.14.2 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 regulatory 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 (Incorporates AB 630 Amendments)

(a) Nothing in this article shall restrict or prevent psychosocial activities by employees of accredited academic institutions, public schools, government agencies, or nonprofit institutions who train graduate students pursuing a master's degree in social work in an accredited college or university. Any psychosocial activities by the employee shall be part of a supervised course of study and the graduate students shall be 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.

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

AMEND §4996.23. SUPERVISED POST-MASTER'S EXPERIENCE (Includes AB 1651 Amendments)

(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 the 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 the applicant has been issued an associate registration by the board.

(d) The experience shall be as follows:

(1) (A) 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), licensed educational psychologist, or licensed clinical social worker.

(B) A maximum of 1,200 hours gained under the supervision of a licensed educational psychologist providing educationally related mental health services that are consistent

with the scope of practice of an educational psychologist, as specified in Section 4989.14.

(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 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 (Includes SB 786 Amendments)

(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where their employer 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 non-exempt setting 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.~~

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Memo

To: Board Members **Date:** November 6, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Discussion and Possible Action on Examination Rescoring, Application Abandonment and APCC Application Fee**

The purpose of this agenda item is to consider minor changes to proposed regulatory language that had already been approved by the Board at its meeting in November 2017. This language has already been noticed to the public and has been through the Department of Consumer Affairs' review process, but the language changes require Board approval. The topics relate to the following:

Examination Rescoring: There is a fee for "examination rescoring" listed in statute and regulation, but "examination rescoring" is not defined. The Board currently offers the $20 examination rescoring to candidates who took a Board-developed exam via paper and pencil. Exams are only provided via paper and pencil to those candidates who have been granted such as a disability accommodation. The attached proposed language would codify this process.

Proposed Modified Language: Per the direction of Business, Consumer Services and Housing Agency (Agency), the language is proposed to be modified to replace the portion that would have required a brief explanation of why the candidate is requesting a rescoring with language simply stating that the request must be made in writing. In addition, statutory fee section references have been included for clarity.

Application Abandonment Criteria: Current regulations specify the circumstances under which a registration or licensure application is considered "abandoned" by the applicant, and describes, in general, the repercussions of abandonment. The proposed language would streamline the abandonment criteria and make other technical changes.

Proposed Modified Language: Agency requested non-substantive modifications for clarity.

Associate Professional Clinical Counselor Application Fee: The proposed regulatory change would clarify that the fee is for an initial or subsequent associate registration application. This language has not been proposed to be modified, but is part of the same regulation package so has been included for reference.

See **Attachment A** for the proposed modified regulatory language.

Recommendation

Approve the proposed text, and delegate to the Executive Officer the authority to adopt the proposed regulatory changes, to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

Attachment

Attachment A: Proposed Regulatory Language

ATTACHMENT A

PROPOSED REGULATORY CHANGES

TITLE 16, CALIFORNIA CODE OF REGULATIONS

Add § 1805.08. EXAMINATION RESCORING.

Candidates may request a rescoring of any board-developed examination administered via paper-and-pencil by submitting the required fee, as specified in section 4984.79(a)(5), 4989.68(a)(6), 4996.3(a)(5) or 4999.120(j) of the Code, as applicable, along with a request that states the type of examination to be rescored, and the date the examination to be rescored was taken~~, and a brief explanation of why the candidate is requesting a rescoring~~. The request shall be submitted in writing to the Board.

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.

Amend § 1806. ABANDONMENT OF APPLICATION.

An application shall be deemed abandoned under any of the ~~following circumstances:~~ circumstances described in this section. An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.

~~(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.~~

~~(b)~~(a) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

(b) The applicant for licensure, as defined in section 1805.01(a), does not maintain an active licensure application. An applicant maintains an "active licensure application" by participating in a required examination at least once ~~per year~~ every 365 days. ~~The initial one-year period shall begin on the date the applicant was sent a notification approving his or her licensure application. Subsequent one-year periods shall begin on the date the most recent examination was taken.~~

(1) The initial 365-day examination participation period shall begin on the date the applicant was sent a notification approving his or her licensure application.

(2) Subsequent 365-day examination participation periods shall begin on the date the applicant most recently participated in a required examination.

(3) “Required examination” is defined as an initial attempt or retake of an examination required by section 4980.397, 4989.20, 4992.05, or 4999.53 of the Code.

~~(c) Applications for licensure, as defined in section 1805.01(a), shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:~~

~~(1) The applicant fails to sit for the California law and ethics examination within one (1) year after being notified of initial eligibility to take the examination.~~

~~(2) The applicant does not retake the California law and ethics examination within one (1) year after being notified of failing the examination.~~

~~(3) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the standard written examination.~~

~~(4) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the California law and ethics examination.~~

~~(5) An applicant does not retake the clinical examination or the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing the examination.~~

~~(d)~~(c) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

~~An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.~~

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4980.397(a), 4980.398, 4980.399, 4980.40, 4980.44, 4980.72, 4984.01, 4984.7, 4984.72, 4989.20, 4989.22(b), 4989.68, 4992, 4992.05(a), 4992.07, 4992.09, 4996.1, 4996.3, 4996.4, 4996.17, 4996.18, 4996.28, 4999.42, 4999.50, 4999.53, ~~4999.54,~~ 4999.55, 4999.60, 4999.61, 4999.64, 4999.100, and 4999.120, Business and Professions Code.

Amend § 1816.1. INITIAL LICENSE AND REGISTRATION FEES.

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

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

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

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

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

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

Repeal ~~§ 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.*~~

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Memo

To: Board Members **Date:** November 6, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Supervision-Related Regulation Proposal**

This item contains minor changes to the text of prior Board-approved regulation proposals pertaining to the supervision of experience required for licensure for the LMFT, LCSW and LPCC professions, and several closely related requirements.

Background

The Board's Supervision Committee met over a two-year period, with a focus on strengthening supervision requirements and supervisor responsibilities, as well as making the Board's supervision requirements more consistent across license types. The Committee's work resulted in Assembly Bill 93 (Chapter 743, Statutes of 2018), which made a number of such changes. The Supervision Committee also drafted regulations, approved by the full Board at its meeting in November 2016, which include the following:

- Technical, nonsubstantive and clarifying changes.
- Specifying the documentation required when a supervisor dies or becomes incapacitated before they have signed for completed experience hours.
- Creating consistency in supervision-related requirements among the license types.
- Requiring supervisors to notify the Board that they are supervising and meet the qualifications to supervise.
- Requiring supervisors and supervisees to complete and sign a supervision agreement.
- Codifying how completed experience hours must be verified to the Board.
- Requiring supervisors to monitor for and address dynamics that could lead to ineffective supervision.
- Specifying requirements pertaining to temporary substitute supervisors.
- Providing for flexibility in ongoing training requirements for supervisors by allowing several specific types of continuing professional development activities to count.
- Allowing licensees who hold an approved supervisor certification from one of several specified entities to be exempt from certain supervisor qualifications.

- Clarifying requirements pertaining to supervision of experience gained outside of California.
- Clarifying who can supervise the experience required with couples, families or children that is necessary for an LPCC to obtain the "couples and families" specialty designation.

In addition, the following have been incorporated into this regulation package:

- Proposed regulations, approved by the full Board at its meeting in March 2017, which clarifies supervision requirements for an individual who is gaining experience toward obtaining the "couples and families" specialty designation for LPCCs.

- Proposed regulations, approved by the full Board at its meeting in November 2018, which set forth criteria when an individual pursuing licensure has been placed in a work setting by a temporary employment agency.

Discussion

Attachment A contains the proposed amendments to the previously proposed language as recommended by the Department of Consumer Affairs' Legal Affairs Division, as well as changes identified by staff as being necessary The amendments would make the following minor changes:

- Technical, nonsubstantive and clarifying changes
- Striking language that is duplicated in statute
- Language that specifies that the experience gained by applicants for Associate registration under the "90-day rule[1]" must comply with all supervision-related requirements.
- Updating implementation dates for certain phased-in requirements.

Recommendation

Approve the proposed text for a 45-day public comment period, and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also delegate to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

Attachment

Attachment A: Proposed language

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[1] *Allows experience hours to count directly after graduation as long as an individual applies for Associate registration within 90 days of the degree award date and is subsequently granted a registration.*

ATTACHMENT A

BOARD OF BEHAVIORAL SCIENCES

PROPOSED REGULATORY CHANGES TO SUPERVISION REQUIREMENTS

TITLE 16, CALIFORNIA CODE OF REGULATIONS

Add § 1815.8. DOCUMENTATION OF SUPERVISED EXPERIENCE: DECEASED OR INCAPACITATED SUPERVISOR.

(a) The Board~~, in its sole discretion, may~~ will accept ~~documentation~~ satisfactory proof of completed hours of supervised experience that has not been signed by the supervisor, if the supervisor is deceased or incapacitated. Satisfactory proof includes, but is not limited to, all of the following:

(1) Evidence ~~satisfactory to the Board~~ that the supervisor is deceased or incapacitated.

(2) All supervision documentation which had previously been signed by the supervisor.

(3) Documentation from the employer verifying the employment of the supervisor and supervisee; or, if the supervisor was not employed by the organization, the written ~~supervision~~ oversight agreement executed between the supervisor and the organization.

Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.35, 4980.40, 4980.43, 4980.60, 4996.23, 4999.46 and 4999.48, Business and Professions Code.

Amend § 1820. ~~EXPERIENCE.~~ SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

~~(a) In order for experience to qualify under section 4999.50(a)(2) of the Code, it must have been gained in accordance with sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the associate; monitoring and evaluating the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of professional clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.~~

~~(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:~~

~~(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,~~

~~(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.~~

~~(d) The term "community mental health setting," as used in section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:~~

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

~~(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;~~

~~(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,~~

~~(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~(e) Supervision shall be credited only upon the following conditions:~~

~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or associate shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than six (6) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant or associate shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~(3) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the associate is consistent with the associate's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:~~

~~(A) Is aware of the licensing requirements that must be met by the associate and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and~~

~~(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the associate.~~

(a) Pursuant to section 4999.46.4 of the Code, in a setting which is not a private practice, a written oversight agreement shall be executed between the supervisor and the employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(1) The written oversight agreement shall be executed and signed prior to commencement of supervision and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a ~~declaration~~ statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(b) Effective January 1, ~~2021~~2022, supervisors shall complete and submit a self-assessment report pertaining to the licensee's qualifications to be a supervisor, as specified in section 1821.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

(B) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices, work settings, supervisee employment and oversight of

supervisees as specified in sections 4999.46.1, 4999.46.2, 4999.46.3 and 4999.46.4 of the Code.

(C) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4999.46.2 of the Code.

(D) The supervisor ~~states that he or she understands~~ affirms an understanding of the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.

(E) The supervisee ~~states that he or she understands~~ affirms an understanding of all of the following:

(i) Requirements pertaining to registration as an associate as specified in section 4999.46 of the Code.

(ii) The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1821, and in section 4999.12 of the Code.

(iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4999.46.3 of the Code.

(v) The age limit pertaining to experience hours as specified in section 4999.46 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1821, and in section 4999.12 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

~~(4)~~(d) The ~~applicant or associate~~ supervisee shall maintain~~s~~ a ~~record~~ weekly log of all hours of experience gained toward licensure ~~on the weekly summary form specified below~~. The ~~record~~ log of hours must be signed by the supervisor on a weekly basis. ~~An associate~~ The supervisee shall retain ~~all weekly summary forms~~ the signed logs until such time as the ~~applicant~~ supervisee is licensed by the board. The board shall have the right to require an applicant for licensure to submit all or such portions of the ~~weekly summary forms~~ log as it deems necessary to verify hours of experience. The log shall include all of the following:

~~(A) If the applicant is gaining experience to comply with section 4999.46(a) of the Code, the applicant shall use the "Weekly Summary of Experience Hours for Associate Professional Clinical Counselors Option 1 - Streamlined Method" (Form No. 37A-639, New 08/2018), hereby incorporated by reference.~~

~~(B) If the applicant is gaining experience to comply with section 4999.46(b) of the Code, the applicant shall use the "Weekly Summary of Experience Hours for Associate Professional Clinical Counselors Option 2 – Multiple Category Method" (Form No. 37A-645, Revised 08/2018), hereby incorporated by reference.~~

(1) The name and address of the supervisee's work setting.

(2) Hours of experience gained per category each week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted to the Board by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number, and the supervisor's license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Whether the supervisee's work setting complies with sections 4999.46.3 and 4999.46.4 of the Code.

(4) Documentation of employment or volunteer status, as specified in section 4999.46.3 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

~~(f) When an associate employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the associate's employer.~~

NOTE: Authority cited: Section~~s~~ 4990.20, ~~4999.48 and 4999.50~~, Business and Professions Code. Reference: Sections 4999.12, ~~4999.44, 4999.45,~~ 4999.46, ~~and 4999.47,~~ 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, 4999.48 and 4999.50, Business and Professions Code.

Add § 1820.3. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

(a) A "temporary staffing agency" is defined as an agency that locates positions for individuals seeking temporary work, and fills vacancies for agencies seeking individuals to perform work on a temporary basis.

(b) A "contracting agency" is defined as an agency where a supervisee has been placed by a temporary staffing agency.

(c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:

(1) ~~Notwithstanding section 4999.46.4 of the Code, the~~ The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.

(2) Notwithstanding section 1821, the written oversight agreement shall be between the contracting agency and the supervisor; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4999.46.3 of the Code.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.46.3, 4999.46.4 and 4999.48, Business and Professions Code.

Amend § 1820.5. ~~EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES.~~ ASSESSMENT OR TREATMENT OF COUPLES AND FAMILIES: EXEMPTIONS AND SUPERVISED EXPERIENCE.

(a) Clinical counselor trainees, as defined in section 4999.12, shall be exempt from section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections 4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

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

(c) Associate professional clinical counselors, applicants for associate registration as described in section 4999.46(b) of the Code, and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if ~~the associate or licensee meets~~ they meet all of the following requirements:

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

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

(d) Professional clinical counselor associates, applicants for associate registration as described in section 4999.46(b) of the Code, and licensees gaining experience with

couples, families, or children toward meeting the requirements of section 4999.20(a)(3)(B) of the Code, shall be supervised by a licensee who meets the qualifications of subsection (c)(2).

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.12, 4999.20, 4999.32, ~~and~~ 4999.33~~,~~ and 4999.46, Business and Professions Code.

Amend § 1821. REQUIREMENTS FOR SUPERVISORS.

(a) Any person supervising an associate, or an applicant for associate registration as described in section 4999.46(b) of the Code, (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

~~(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 07/2019), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current and active California license ~~that is not under suspension or probation as either a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or licensed physician who is certified in psychiatry~~ as specified in section 4999.12(h) of the Code, and meets all other qualifications specified in section 4999.12(h) of the Code.

~~(2) The supervisor has held an active California or out-of-state license listed in subsection (1) for at least two years within the five-year period immediately preceding any supervision.~~

~~(3)~~(2) A supervisor who is not a licensed ~~as a~~ professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

~~(4)~~(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ ~~himself or herself~~ informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

(4) The supervisor shall self-monitor for and address supervision dynamics such as,

but not limited to, countertransference, intrapsychic, interpersonal, or trauma-related issues that may affect supervision.

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

~~(6) The supervisor has practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.~~

~~(7)~~(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1821.3.

> ~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.~~
>
> ~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

~~(8)~~(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of associates and the experience required for licensure as a professional clinical counselor.

~~(9) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the associate is consistent with the education, training, and experience of the associate.~~

~~(10)~~(8) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the ~~associate~~ supervisee ~~by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor review of progress notes, process notes and other treatment records, and also by~~

~~that amount of direct observation, or review of audio or video recordings of therapy, as deemed appropriate by the supervisor and with the client's written consent~~ as specified in sections 4999.12(m) and 4999.46.1 of the Code.

(9) The supervisor shall complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision. The supervisor shall provide the supervisee with a copy of all assessments.

(10) The supervisor shall ~~address with the associate the manner in which emergencies will be handled~~ establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.

(11) If the supervisor is a licensed professional clinical counselor who is supervising ~~an associate marriage and family therapist or a marriage and family therapist trainee; or who is supervising~~ a licensee, an associate professional clinical counselor or an applicant for associate registration as described in section 4999.46(b) of the Code ~~licensee~~ who is seeking experience to assess and treat couples or families in compliance with section 4999.20(a)(3)(B) of the Code, then the supervisor shall meet the additional training and education requirements specified in section 4999.20(a)(3) of the Code.

~~(c) Each supervisor shall provide the associate with the original signed "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 07/2019), prior to the commencement of any counseling or supervision. Associates shall provide the board with the signed "Responsibility Statement for Supervisors of an Associate Professional Clinical Counselor" (Form No. 37A-643, Revised 07/2019) from each supervisor upon application for licensure.~~

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

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

(d) Effective January 1, ~~2021~~2022, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) The licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

(2) The supervisor's telephone number and email address.

(3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4) The date the supervisor completed the training required by section 1821.3, and the length of the course(s) taken.

(5) The supervisor ~~states that he or she understands~~ affirms an understanding of all of the following:

(A) The supervisor's license must meet the supervisor qualifications set forth in section 1821, and in section 4999.12 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) The supervisee notification requirement set forth in subsection (a)(5) of this section.

(C) The requirements set forth in section 4999.46.4 of the Code pertaining to the maximum number of registrants.

(D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4999.46.5 of the Code.

(E) The requirement to complete a supervision agreement for each supervisee as specified in section 1820.

(e) Licensees who have not previously served as a board-qualified supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an associate will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and sections 4999.46 through 4999.46.4 of the Code.~~

(f) Licensees acting as a supervisor prior to January 1, ~~2021~~2022, shall submit a self-assessment report to the Board by December 31, ~~2021~~2022.

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

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

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.

Reference: Sections 4999.12, 4999.20, 4999.46, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, 4999.46.5 and 4999.54, Business and Professions Code.

Add § 1821.1. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1820, and the substitute supervisor shall sign the weekly log specified in section 1820.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan, as specified in section 1820(c)(3)(F), is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified, as specified in section 1820(e), by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12, 4999.46 and 4999.46.4, Business and Professions Code.

Add § 1821.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation. The supervisor must have been licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a professional clinical counselor, clinical social worker, psychologist, physician certified in psychiatry by the American Board of Psychiatry and Neurology, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12, 4999.60 and 4999.61, Business and Professions Code.

Add § 1821.3. SUPERVISOR TRAINING AND COURSEWORK.

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

(a) Beginning January 1, ~~2020~~2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in Article 8. If taken from an acceptable continuing education provider, the training may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

(A) Competencies necessary for new supervisors;

(B) Goal setting and evaluation;

(C) The supervisor-supervisee relationship;

(D) California law and ethics, including legal and ethical issues related to supervision;

(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

(F) Contextual variables, such as treatment modality, work settings, and use of technology;

(G) Supervision theories and literature; and

(H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and records of completion shall be maintained as specified in section 4999.46.5 of the Code:

(1) Training or coursework specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation.

(5) Attendance at supervisor peer discussion groups with other licensees who also serve as board-qualified supervisors.

(d)(1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

(A) The American Association for Marriage and Family Therapy (AAMFT)

(B) The American Board of Examiners in Clinical Social Work (ABECSW)

(C) The California Association of Marriage and Family Therapists (CAMFT)

(D) The Center for Credentialing and Education (CCE)

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4999.12(h)(3) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of any one of the above entities.

(e) The board shall not deny hours of experience gained towards licensure ~~by any~~

~~associate~~ due to the supervisor's failure to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.12, Business and Professions Code.

Repeal ~~§ 1822. SUPERVISORY PLAN.~~

~~(a) All licensed mental health professionals acceptable to the board as defined in section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan" (Form No. 37A-521, Revised 07/2019), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate professional clinical counselor to the board upon application for licensure.~~

~~*Note: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12 and 4999.46, Business and Professions Code.*~~

Amend § 1833. ~~EXPERIENCE.~~ SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

~~(a) In order for experience to qualify under section 4980.40 of the Code, it must meet the following criteria:~~

~~(1) It must have been gained in accordance with sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.~~

~~(2) Experience shall not be credited for more than forty (40) hours in any week.~~

~~(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.~~

~~(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the associate or trainee; monitoring and evaluating the ability of the associate or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele~~

~~being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:~~

~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than six (6) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~(3) 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 or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.~~

~~(4)~~(a) Pursuant to section 4980.43.4 of the Code, ~~In~~ in a setting which is not a private practice, ~~the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis,~~ a written oversight agreement ~~must~~ shall be executed between the supervisor and the ~~organization~~ employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(1) The written oversight agreement shall be executed and signed prior to commencement of supervision~~, in which the supervisor agrees~~ and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a ~~declaration~~ statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the ~~associate or trainee~~ supervisee is consistent with the ~~associate's or trainee's~~ supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

~~(1)~~(A) Is aware of the licensing requirements that must be met by the ~~associate or trainee~~ supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; ~~and~~

~~(2)~~(B) Agrees to provide the supervisor access to clinical records of the clients

counseled by the ~~associate or trainee~~ supervisee~~.~~, and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

~~(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by section 4980.43 of the Code.~~

~~(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.~~

~~(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in section 4980.43 of the Code, will be credited.~~

~~(d) Experience gained by associates and trainees shall be subject to the following conditions, as applicable:~~

~~(1) When an associate employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the associate's employer.~~

~~(2) A trainee shall not perform services in a private practice.~~

~~(3) Associates and trainees may only perform services as employees or volunteers and~~
~~not as independent contractors.~~

(b) Effective January 1, ~~2021~~2022, supervisors shall complete and submit a self-assessment report ~~of~~ pertaining to the licensee's qualifications to be a supervisor, as specified in section 1833.1, and in section 4980.03 of the Code.

(c)(1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] shall complete a supervisory plan as required by subsection (c)(3)(F), but are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.

(B) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to registration of the supervisee, work settings, employment, supervision practices and oversight of supervisees as specified in sections 4980.43.1, 4980.43.2, 4980.43.3 and 4980.43.4 of the Code.

(C) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4980.43.2 of the Code.

(D) The supervisor ~~states that he or she understands~~ affirms an understanding of the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements in this article and in the Code.

(E) The supervisee ~~states that he or she understands~~ affirms an understanding of all of the following:

(i) Requirements pertaining to registration as an associate as specified in section 4980.43 of the Code.

(ii) The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1833.1, and in section 4980.03 of the Code.

(iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4980.43.3 of the Code.

(v) The age limit pertaining to experience hours as specified in section 4980.43 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1833.1, and in section 4980.43.1 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

~~(e)~~(d) ~~Effective January 1, 1991, trainees~~ Trainees ~~and associates~~ Supervisees shall maintain a weekly log of all hours of experience gained toward licensure. The log of hours shall be signed by the supervisor on a weekly basis. A ~~applicant~~ supervisee shall retain ~~all~~ the signed logs until such time as the ~~applicant~~ supervisee is licensed by the board. The board shall have the right to require an applicant for licensure to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

~~(1) If the applicant is gaining experience to comply with section 4980.43(a) of the Code, the applicant shall use the "Marriage and Family Therapist Trainee/Associate~~

~~Weekly Summary of Experience Hours Option 1 - Streamlined Method" (Form No. 37A-524, Revised 08/2018), hereby incorporated by reference.~~

~~(2) If the applicant is gaining experience to comply with section 4980.43(b) of the Code, the applicant shall use the "Marriage and Family Therapist Trainee/Associate Weekly Summary of Experience Hours Option 2 – Multiple Category Method" (Form No. 37A-524a, Revised 08/2018), hereby incorporated by reference.~~

(1) The name and address of the supervisee's work setting.

(2) Hours of experience gained per category each week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number and license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Whether the supervisee's work setting complies with sections 4980.43.3 and 4980.43.4 of the Code.

(4) If the supervisee was an associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4980.43.3 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

NOTE: Authority cited: Sections 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40, 4980.42, 4980.43, 4980.43.4, 4980.44 and 4980.45, Business and Professions Code.

Add § 1833.05. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

(a) A "temporary staffing agency" is defined as an agency that locates positions for individuals seeking temporary work, and fills vacancies for agencies seeking individuals to perform work on a temporary basis.

(b) A "contracting agency" is defined as an agency where a supervisee has been placed by a temporary staffing agency.

(c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:

(1) ~~Notwithstanding section 4980.43.4 of the Code the~~ The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.

(2) Notwithstanding section 1833, the written oversight agreement shall be between the contracting agency and the supervisor; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4980.43.3 of the Code.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.35, 4980.43.3, 4980.43.4 and 4980.60, Business and Professions Code.

Amend § 1833.1. REQUIREMENTS FOR SUPERVISORS.

(a) Any person supervising a trainee or an associate, or an applicant for associate registration as described in section 4980.43(b) of the Code, (hereinafter "supervisor") within California shall comply with the requirements below.

~~(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 07/2019), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current and active California license ~~that is not under suspension or probation as either a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician who is certified in psychiatry~~ as specified in section 4980.03(g) of the Code, and meets all other qualifications specified in section 4980.03(b) of the Code.

~~(2) The supervisor has held an active California or out-of-state license listed in subsection (1) for at least two years within the five-year period immediately preceding any supervision.~~

~~(3)~~(2) A supervisor who is not a licensed ~~as a licensed~~ marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(A) If the supervisor is a licensed professional clinical counselor, the supervisor shall meet the additional training and education requirements specified in section 4999.20(a)(3) of the Code pertaining to assessment and treatment of couples or families.

~~(4)~~(3) The supervisor shall be competent in the areas of clinical practice and techniques

being supervised, and shall keep ~~The supervisor keeps himself or herself~~ informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma-related issues that may affect supervision.

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

~~(6) The supervisor has practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of psychotherapy performed by a social work intern or professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.~~

~~(7)~~(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1834.

> ~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.~~
>
> ~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

~~(8)~~(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and associates and the experience required for licensure as a marriage and family therapist.

~~(9) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or associate.~~

~~(10)~~(8) The supervisor shall monitor and evaluate the extent, kind, and quality of

counseling performed by the ~~trainee or associate~~ supervisee ~~by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor review of progress notes, process notes and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, as deemed appropriate by the supervisor and with the client's written consent~~ as specified in section 4980.43.1(b) of the Code.

(9) The supervisor shall complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision. The supervisor shall provide the supervisee with a copy of all assessments.

~~(11)~~(10) The supervisor shall ~~address with the trainee or associate the manner in which emergencies will be handled.~~ establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.

~~(b) Each supervisor shall provide the trainee or associate with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 07/2019) prior to the commencement of any counseling or supervision. Trainees and associates shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Associate" (Form No. 37A-523, Revised 07/2019) from each supervisor upon application for licensure.~~

~~(c)~~(b) A supervisor shall give at least one (1) week's prior written notice to a ~~trainee or associate~~ supervisee of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(d)~~(c) The supervisor shall obtain from each ~~trainee or associate~~ supervisee for whom supervision will be provided, the name, address, and telephone number of the ~~trainee's or associate's~~ supervisee's most recent supervisor and employer.

(d) Effective January 1, ~~2021~~2022, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) The licensee's qualifications to be a supervisor as specified in section 1833.1.

(2) The supervisor's telephone number and email address.

(3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4) The date the supervisor completed the training required by section 1834, and

the length of the course(s) taken.

(5) The supervisor ~~states that he or she understands~~ affirms an understanding of all of the following:

(A) The supervisor's license must meet the supervisor qualifications set forth in section 1833.1, and in section 4980.03 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) The supervisee notification requirement set forth in subsection (a)(5).

(C) The requirements set forth in section 4980.43.4 of the Code pertaining to the maximum number of registrants.

(D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4980.43.5 of the Code.

(E) The requirement to complete a supervision agreement for each supervisee as specified in section 1833.

~~(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or associate will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and sections 4980.43 through 4980.43.4 of the Code.~~

(e) Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) Licensees acting as a supervisor prior to January 1, ~~2021~~2022, shall submit a self-assessment report to the Board by December 31, ~~2021~~2022.

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

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

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.42, 4980.43, 4980.43.1, 4980.43.2, 4980.43.3, 4980.43.4 and 4980.43.5, Business and Professions Code.

Add § 1833.1.5. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1833, and the substitute supervisor shall sign the weekly log required by section 1833.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan as specified in section 1833(c)(3)(F) is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified as specified in section 1833(e) by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.43 and 4980.43.4, Business and Professions Code.

Amend § 1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

Experience gained outside of California ~~on or after January 1, 1991~~ must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license or certification which was not under suspension or probation. The supervisor ~~was~~ must have been licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry ~~as specified in Section 4980.40(f) of the code~~ by the American Board of Psychiatry and Neurology, professional clinical counselor, ~~or a~~ marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

In a state or jurisdiction which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who

maintained such membership throughout the period of supervision.

Note: Authority cited: Sections ~~4980.35, 4980.40(f) and~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.72, and 4980.74, ~~4980.40(f), 4980.42-4980.45 and 4980.90,~~ Business and Professions Code.

Add § 1834. SUPERVISOR TRAINING AND COURSEWORK.

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

(a) Beginning January 1, ~~2020~~2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in Article 8. If taken from an acceptable continuing education provider, the training may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

(A) Competencies necessary for new supervisors;

(B) Goal setting and evaluation;

(C) The supervisor-supervisee relationship;

(D) California law and ethics, including legal and ethical issues related to supervision;

(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

(F) Contextual variables, such as treatment modality, work settings, and use of technology;

(G) Supervision theories and literature; and

(H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A licensee who previously served as a board-qualified supervisor, but has not

supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and records of completion shall be maintained as specified in section 4980.43.5 of the Code:

(1) Training or coursework specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation.

(5) Attendance at supervisor peer discussion groups with other board licensees who also serve as board-qualified supervisors.

(d)(1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

(A) The American Association for Marriage and Family Therapy (AAMFT)

(B) The American Board of Examiners in Clinical Social Work (ABECSW)

(C) The California Association of Marriage and Family Therapists (CAMFT)

(D) The Center for Credentialing and Education (CCE)

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4980.03(g)(3) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet

or exceed those of any one of the above entities.

(e) The board shall not deny hours of experience gained towards licensure ~~by any associate or trainee~~ due to the supervisor's failure to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

Add § 1869. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION.

(a) Pursuant to section 4996.23.3 of the Code, in a setting which is not a private practice, a written oversight agreement shall be executed between the supervisor and the employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(1) The written oversight agreement shall be executed and signed prior to the commencement of supervision and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a ~~declaration~~ statement from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and

(C) Is aware that the supervisor will be providing clinical guidance and direction to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(b) Effective January 1, ~~2021~~2022, supervisors shall complete and submit a self-assessment report pertaining to the licensee's qualifications to be a supervisor, as specified in section 1870.

(c)(1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the

Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to [OAL to insert effective date of regulation] are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with the application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The licensee's qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.

(B) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to registration of the supervisee, work settings, employment, supervision practices and oversight of supervisees as specified in sections 4996.18, 4996.23.2 and 4996.23.3 of the Code.

(C) The supervisor ~~states that he or she understands~~ affirms an understanding of the requirements pertaining to direct supervisor contact as specified in section 4996.23.1 of the Code.

(D) The supervisor ~~states that he or she understands~~ affirms an understanding of the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.

(E) The supervisee ~~states that he or she understands~~ affirms an understanding of all of the following:

(i) Requirements pertaining to registration as an associate as specified in section 4996.18 of the Code.

(ii) The supervisee's supervisor must hold a current and active California license that is not under suspension or probation while supervising in order for hours to count toward licensure as specified in section 1870, and in section 4996.20 of the Code.

(iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4996.23.2 of the Code.

(v) The age limit pertaining to experience hours as specified in section 4996.23 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms an understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1870, and in section 4996.20 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(d) Supervisees shall maintain a log of all hours of experience gained toward licensure.

The log shall be signed by the supervisor on a weekly basis. A supervisee shall retain all logs until such time as the supervisee is licensed by the board. The board shall have the right to require an applicant for licensure to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

(1) The name and address of the supervisee's work setting

(2) Hours of experience gained per category each week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number and license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Whether the supervisee's work setting complies with section 4996.23.2 of the Code.

(4) Documentation of employment or volunteer status, as specified in section 4996.23.2 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18, 4996.20, 4996.23, 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.

Add § 1869.3. PLACEMENT BY TEMPORARY STAFFING AGENCIES.

(a) A "temporary staffing agency" is defined as an agency that locates positions for individuals seeking temporary work, and fills vacancies for agencies seeking individuals to perform work on a temporary basis.

(b) A "contracting agency" is defined as an agency where a supervisee has been placed by a temporary staffing agency.

(c) The following provisions apply to a supervisee who has been placed by a temporary staffing agency:

(1) ~~Notwithstanding section 4996.23.3 of the Code, the~~ The supervisee shall only perform mental health and related services at the places where the contracting agency permits business to be conducted.

(2) Notwithstanding section 1869, the written oversight agreement shall be between the contracting agency and the supervisor; and, in cases where the supervisor is an employee of the contracting agency, no written agreement shall be required.

(d) The employer of a supervisee who has been placed by a temporary staffing agency shall issue a W-2 tax form, or shall provide the employee with a letter verifying volunteer status as required in section 4996.23.2 of the Code.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.23.2 and 4996.23.3, Business and Professions Code.

Amend § 1870. REQUIREMENTS FOR ~~ASSOCIATE CLINICAL SOCIAL WORKER~~ SUPERVISORS.

(a) Any person supervising an associate ~~clinical social worker registered with the board~~ or an applicant for associate registration as described in section 4996.23(b) of the Code (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

~~(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (Form No. 37A-522, Revised 07/2019) hereby incorporated by reference, which requires that:~~

(1) The supervisor possesses and maintains a current and active California license ~~as a licensed clinical social worker or a licensed mental health professional acceptable to the Board~~ as specified in section 4996.20(a) of the Code, and meets all other qualifications specified in section 4996.20(a) of the Code.

~~(2) The supervisor has held an active California or out-of-state license listed in subsection (1) for at least two years within the five-year period immediately preceding any supervision.~~

(2) A supervisor who is not a licensed clinical social worker shall have sufficient experience, training and education in clinical social work to competently practice clinical social work in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep informed of developments in clinical social work and in California law governing the practice of clinical social work.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related

issues that may affect supervision.

~~(3)~~(5) The supervisor ~~has and will maintain a current license in good standing and~~ will immediately notify the ~~associate~~ supervisee of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to practice or supervise.

~~(4) The supervisor has practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers for at least two (2) years within the last five (5) years immediately preceding supervision. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.~~

~~(5)~~(6) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1871.

> ~~(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:~~
>
> ~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~
> ~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~
> ~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~
> ~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~
> ~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~
> ~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(6)~~(7) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(7) The supervisor shall do all of the following:~~

~~(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.~~

~~(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.~~

~~(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.~~

~~(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.~~

~~(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (Form No. 37A-522, Revised 08/2018), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

~~(10) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.~~

(8) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the supervisee ~~by review of progress notes, process notes, other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, as deemed appropriate by the supervisor and with the client's written consent~~ as specified in section 4996.20(b) of the Code.

~~(11)~~(9) The supervisor shall complete an assessment of the ongoing strengths and limitations of the ~~associate~~ supervisee at least once a year and at the completion or termination of supervision. ~~The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.~~ The supervisor shall provide the supervisee with a copy of all assessments.

(10) The supervisor shall establish written procedures for supervisees to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist supervisees in handling crises and emergencies. The

supervisor shall provide these procedures to the supervisee prior to the commencement of supervision.

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(5)(A).~~

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

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

(d) Effective January 1, ~~2021~~2022, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) The licensee's qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.

(2) The supervisor's telephone number and email address.

(3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.

(4) The date the supervisor completed the training required by section 1871, and the length of the course(s) taken.

(5) The supervisor ~~states that he or she understands~~ affirms an understanding of all of the following:

(A) The supervisor's license must meet the supervisor qualifications in section 1870, and in section 4996.20 of the Code, for a supervisee's experience hours to be credited toward licensure.

(B) The supervisee notification requirement set forth in subsection (a)(5).

(C) The requirements set forth in section 4996.23.3 of the Code pertaining to the maximum number of registrants.

(D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4996.21 of the Code.

(E) The requirement to complete a supervision agreement for each supervisee as specified in section 1869.

(e) Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising, shall submit a self-assessment report to the Board within 60 days of the commencement of any

supervision.

(f) Licensees acting as a supervisor prior to January 1, ~~2021~~2022, shall submit a self-assessment report to the Board by December 31, ~~2021~~2022.

(~~12)~~(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18, 4996.20, 4996.23, ~~4996.23.1 and 4996.23.2,~~ 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.

Repeal ~~§ 1870.1. SUPERVISORY PLAN.~~

~~(a) On and after January 1, 1999, all associate clinical social workers and licensed mental health professionals acceptable to the board as defined in section 4996.20(a) of the Code who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (Form No. 37A-521, Revised 07/2019), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

~~*NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18, 4996.20 and 4996.23, Business and Professions Code.*~~

Add § 1870.3. SUBSTITUTE SUPERVISORS.

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1869, and the substitute supervisor shall sign the weekly log specified in section 1869.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

(1) A new supervisory plan as specified in section 1869(c)(3)(F) is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

(2) The experience gained during that 30-day period may be verified as specified in section 1869(e) by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time.

NOTE: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.20 and 4996.23.3, Business and Professions Code.

Add § 1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA.

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation. The supervisor must have been licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.17 and 4996.20, Business and Professions Code.

Add § 1871. SUPERVISOR TRAINING AND COURSEWORK.

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

(a) Beginning January 1, ~~2020~~2021, licensees who commence supervision for the first time in California shall obtain fifteen (15) hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in Article 8. If taken from an acceptable continuing education provider, the training may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(1) The training content shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

(A) Competencies necessary for new supervisors;

(B) Goal setting and evaluation;

(C) The supervisor-supervisee relationship;

(D) California law and ethics, including legal and ethical issues related to supervision;

(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

(F) Contextual variables, such as treatment modality, work settings, and use of technology;

(G) Supervision theories and literature; and

(H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.

(2) If taken from a government agency or from an acceptable continuing education provider, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or within 60 days after commencing supervision.

(b) A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and records of completion shall be maintained as specified in section 4996.21 of the Code:

(1) Training or coursework specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider. If taken from an acceptable continuing education provider, it may apply towards the continuing education requirements set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(2) Teaching a supervision course described in subsection (c)(1).

(3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. This shall not include personal opinion papers, editorials, or blogs.

(4) Collaboration with another licensee who also serves as a board-qualified supervisor through the use of mentoring or consultation.

(5) Attendance at supervisor peer discussion groups with other board licensees who also serve as board-qualified supervisors.

(d)(1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active

approved supervisor certification from one of the following entities:

(A) The American Association for Marriage and Family Therapy (AAMFT)

(B) The American Board of Examiners in Clinical Social Work (ABECSW)

(C) The California Association of Marriage and Family Therapists (CAMFT)

(D) The Center for Credentialing and Education (CCE)

(2) Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by supervisees as specified in section 4996.20(a)(2) of the Code for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board shall accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of any one of the above entities.

(e) The board shall not deny hours of experience gained towards licensure ~~by any associate~~ due to the supervisor's failure to complete the training, coursework, or continuing professional development requirements in this section.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

Board of Behavioral Sciences

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

Memo

To:	Board Members	**Date:**	November 6, 2019
From:	Rosanne Helms Legislative Analyst	**Telephone:**	(916) 574-7897
Subject:	**Regulations to Implement AB 2138**		

Background

At its March 1, 2019 meeting, the Board approved regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018). Key provisions of that bill, which becomes effective on July 1, 2020, are as follows:

- Only permits a board to deny a license on grounds that an applicant has been convicted of a crime or has been subject to formal discipline if either of these are met (Business and Professions Code (BPC) §480(a):

    1. The conviction was within 7 years of the date of the application and is substantially related to the qualifications, functions, or duties of the profession. The 7-year limit does not apply to convictions for a serious felony (defined in Penal Code §1192.7), or for those who must register as a sex offender as described in Penal Code §290(d)(2) or (3).

    2. The applicant has been subject to formal discipline by a licensing board within the past 7 years for professional misconduct that would have been cause for disciplinary action by the Board and is substantially related to the profession. (The prior disciplinary action cannot be used to deny if it was based on a dismissed or expunged conviction.)

- Prohibits a board from requiring that an applicant for licensure disclose information about his or her criminal history. However, a board is permitted to request it for the purpose of determining substantial relationship or evidence of rehabilitation. In such a case, the applicant must be informed that the disclosure is voluntary and failure to disclose will not be a factor in a board's decision to grant or deny an application. (BPC §480(f)(2)

- Requires each board to develop criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession.

These criteria will aid the board when considering the denial, suspension, or revocation of a license. The criteria must include all of the following (BPC §481):

1. The nature and gravity of the offense.
2. The number of years elapsed since the date of the offense.
3. The nature and duties of the profession in which the applicant seeks licensure or is licensed.

- Prohibits a board from denying a license based on a conviction without considering evidence of rehabilitation. (BPC §481)

- Requires each board to develop criteria to evaluate rehabilitation when considering denying, suspending, or revoking a license. A showing of rehabilitation shall be considered if the applicant or licensee has been completed their criminal sentence without a violation of parole or probation, or if the board finds its criteria for rehabilitation has been met. (BPC §482)

Status of the Regulation Proposal

The Board noticed the regulation proposal on August 16, 2019, and the 45-day public comment period ended on September 30, 2019. The public hearing was conducted on September 30, 2019.

The Board received one written letter commenting on the regulatory proposal.

Summary of Comments Received and Proposed Responses

The letter was from Katherine Katcher, Executive Director of Root and Rebound Reentry Advocates, and was dated September 30, 2019 (**Attachment A**). Below is a summary of each comment and staff's recommended response:

1. **Comment #1: General Statement/ Purpose of the Letter**

   Summary: The letter states that they believe the proposal should go further in order to fully implement the intention and spirit of the AB 2138 text. They believe there is a lack of clarity in the licensure process for individuals who have been impacted by the criminal justice system that leads many of them to give up. They believe the proposed regulations leave gaps and fail to implement Business and Professions Code (BPC) section 480 and fall short of the intent of the bill to combat discrimination against people with records who have demonstrated rehabilitation and are seeking a professional career.

   Response: The Board rejects this comment. The proposed regulations clarify substantial relationship criteria and criteria for rehabilitation, as required by AB 2138. Clarifying how to determine whether a crime is substantially related and

clarifying the factors that will be considered when evaluating rehabilitation should assist applicants and licensees when planning how they are going to demonstrate their rehabilitation. In conjunction with the effective date of AB 2138 and these regulations, the Board also plans to engage in outreach to answer some of the more commonly asked questions about seeking licensure after being impacted by the criminal justice system.

2. **Comment #2**

Summary: The letter asks that the full extent of AB 2138 be incorporated into the regulations by including the seven-year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Penal Code. (See BPC §480(a)(1))

Response: The Board rejects this comment. The seven-year period during which a board can deny a license for a conviction or formal discipline is fully described in BPC §480(a)(1). As this is already included in statute, it is not necessary to repeat it in the regulations.

3. **Comment #3**

Summary: The letter asks that the full extent of AB 2138 be incorporated into the regulations by including a provision that a denial cannot occur if it was based on an expunged conviction, if the person has provided evidence of rehabilitation, or was granted clemency or pardon for an arrest that led to a disposition other than a conviction. (See BPC §480(c)

Response: The Board rejects this comment. BPC §480(c) already clearly states that a license may not be denied based on a conviction, or its underlying acts, if it has been dismissed or expunged pursuant to Penal Code §§ 1203.4, 1203.4a, 1203.41, or 1203.42. In addition, BPC §480(b) prohibits license denial if the applicant has obtained a certificate of rehabilitation, was granted clemency or a pardon, or has made a showing of rehabilitation per BPC §482. BPC §480(d) prohibits license denial based on arrest that resulted in something other than a conviction, such as an infraction, citation, or juvenile adjudication. Since these provisions are already specifically covered in statute, it is not necessary to repeat them in regulations.

4. **Comment #4**

Summary: The letter requests that the term “substantially related” to the qualifications, functions, or duties of the business or profession be clarified beyond already existing considerations.

Response: The Board rejects this comment. Existing language in section 1812 of the regulations simply states that a crime or act is substantially related if “to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.”

The amendments being proposed to §1812 expand upon this by listing criteria that the Board must consider to determine if there is a substantial relationship. These include the nature and gravity of the offense, the number of years elapsed since the offense, and how the offense relates to the nature and duties of the profession. These criteria serve to clarify what the Board must consider in determining a substantial relationship and fulfill the requirements of BPC §481(a) and (b).

5. **Comment #5**

Summary: The letter states that the intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. They state that rehabilitation can and does take many forms that extend beyond law enforcement supervision, and this will not adequately show how an applicant would do on the job. They recommend that the Board consider reviewing things such as volunteer service, successful employment in a related field, unpaid community work, and further education.

Response: The Board rejects this comment. BPC §482 requires boards to develop criteria to evaluate rehabilitation and to consider whether an applicant or licensee has made a showing of rehabilitation if either the criminal sentence has been completed without violation of probation or parole, or if the board otherwise finds the applicant rehabilitated.

Therefore, sections 1813 and 1814 of the regulation proposal are being amended so that there is two-step guidance for the Board in complying with this law:

- First, the Board must determine if the completion of the criminal sentence with no violations constitute rehabilitation. Specific criteria are being

amended in to sections 1813 and 1814 to help the Board determine whether sentence completion demonstrates this. Criteria the Board is proposing include length of the parole/probation, whether it was shortened or lengthened and the reasons, and any modifications to the parole/probation that may have been made. This represents the first step and includes probation or parole reports, because these are an indication of how well compliance was achieved. However, if the Board does not find rehabilitation based solely on sentence completion, there is still a second step that must be considered.

- The second step, if rehabilitation is not demonstrated solely based on the sentence completion, is that the Board must consider certain other criteria to evaluate rehabilitation. This includes time elapsed since the crime, evidence of any subsequent crimes, compliance with probation/parole, and evidence of rehabilitation submitted by the applicant or licensee. This is their chance to demonstrate volunteer or charity work, furthered education, successful employment, or other activities that they choose. The Board can and already does give serious consideration to these factors when considering whether or not an applicant or licensee is rehabilitated.

6. **Comment #6**

Summary: The letter states that the regulations do not mention that obtaining a certificate of rehabilitation, dismissal, or arrest that led to an infraction, citation, or juvenile adjudication means that a person shall not be denied a license, and requests that this be clarified.

Response: The Board rejects this comment. As noted in the response to Comment #3 above, BPC §480(b), (c), and (d) explicitly prohibit denial of a license in these circumstances. It is not necessary to repeat this in the regulations.

7. **Comment #7**

Summary: The letter states that the regulations fail to mention requirements to obtain statistical information on the number of applicants with a criminal record who apply and receive notice of denial/disqualification of licensure, provided evidence of mitigation/rehabilitation, and the final disposition of demographic information. (See BPC §480(g)(1),(2))

Response: The Board rejects this comment. These requirements are already stated in statute (BPC §480(g)(1) and (2)). It is not necessary to repeat them in regulations.

8. **Comment #8**

Summary: The letter states that the regulations fail to include that the Board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. (See BPC §480(f)(2))

Response: The Board rejects this comment. BPC §480(f)(2) already covers this in detail. Since it is already in statute, it is not necessary to repeat it in regulations.

9. **Comment #9**

Summary: The letter states that the regulations fail to include that the Board must notify the applicant in writing for denial and disqualifications and have procedures in place for the applicant to challenge a decision or request consideration, and that the applicant has a right to appeal the Board's decision and the process of requesting a complete conviction history. (See BPC §480(f)(3))

Response: The Board rejects this comment. BPC §480(f)(3) already contains these requirements. It is not necessary to repeat them in regulations.

10. **Comment #10**

Summary: The letter recommends that to better define rehabilitation, the Board should provide examples of evidence of mitigating circumstances and rehabilitation efforts to assist both the Board and licensing applicants.

Response: The Board rejects this comment. Currently, the Board's regulations allow the applicant or licensee to submit evidence of rehabilitation, and the Board is required to consider it.

There are many possible ways of showing rehabilitation, and many unique scenarios of mitigating circumstances. Attempting to specifically list some but not others may be limiting or misleading. In addition, the circumstances of each enforcement case are unique and what is sufficient evidence of rehabilitation for one case may not suffice for another or may not be relevant for all types of crimes. (i.e. attendance at Alcoholics Anonymous is a common demonstration of

rehabilitation for alcohol-related crimes but is not a good example of rehabilitation for a crime where alcohol was not involved) The Board believes this concern will be better addressed by engaging in outreach to answer some of the more commonly asked questions about demonstrating rehabilitation.

Recommendation

Review and conduct an open discussion regarding the public comments received and staff's proposed responses. Direct staff to make any discussed changes, and any nonsubstantive changes, and complete the regulatory process.

Attachments

Attachment A: Letter from Katherine Katcher, Executive Director for Root & Rebound Reentry Advocates, dated September 30, 2019

Attachment B: Board-Approved Language for the Regulations

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ATTACHMENT A

September 30, 2019

California Department of Consumer Affairs
Board of Behavioral Sciences
1625 N. Market Blvd.
El Dorado Room, Suite 220
Sacramento CA 95834
Via email: Rosanne.Helms@dca.ca.gov

RE: Comments in Response to Dept. of Consumer Affairs, Board of Behavioral Sciences: Substantial Relationship & Rehabilitation Criteria

Dear Ms. Helms:

Thank you for the opportunity to submit comments to the Department of Consumer Affairs, Board of Behavioral Sciences, criteria for establishing a substantial relationship and rehabilitation for license denials, suspensions or revocations. We support amendments to Title 16, of the California Code of Regulations sections 1812, 1813, 1814, 1888, and 1888.1 and the Board's "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" to reflect the passage of Assembly Bill 2138, Chiu, Chapter 995, Stateutes of 2018 (AB 2138) but believe it should go further in order to fully implement the intention and spirit of the AB 2138 text.

Root & Rebound is a reentry legal education and resource center based in Oakland, California that provides critical legal resources, education, and ongoing support to individuals, families, and communities most impacted by our criminal justice system. Our mission is to transfer power and information from the policy and legal communities to the people most impacted by our criminal justice system through public education, direct legal services, and policy advocacy, so that the law serves, rather than harms, low-income communities and communities of color in the United States.

Root & Rebound supports dozens of clients struggling to obtain occupational licensure, through direct legal services. As one of a handful of organizations that supports in this kind of work, we strive to provide guidance throughout the entire licensing process. This includes questions about eligibility, the initial application, response to appeals and license revocations. The lack of clarity in this process, leads many clients facing differing levels of adversity to give up entirely. We believe that our direct experience with clients who are undergoing this difficult process, along with our involvement in the drafting and passage of AB 2138, makes us equipped to understand the proper implementation of this bill.

Thanks to the passage of AB 2138 in 2018, the roughly one in three Californians with arrest or conviction records will face fewer barriers to employment and will help to fill the much needed occupational employment gaps in the State. Root & Rebound commends the Board for its action to implement AB 2138 through suggected edits of the regulations and thereby reduce discrimination against people of color in California, who are dispoportionally denied job opportunities because of occupational licensing-related conviction background checks. We commend the boards efforts to consolidate the rehabilitation criteria to provide clarity for applicants and the board.

However, these proposed regulations leave large gaps in the regulatory scheme under the changes to CA Business and Professions Code 480, as modified by AB 2138. These proposed regulations fail to meet and implement CA B&P 480, and are not, as written, valid. The proposed regulations also fall short of the intent of the bill, which includes combating discrimination against people with records that have demonstrated rehabilitation and seek to establish themselves professionally.

We urge the Board to incorporate the full extent of AB2138 by including the following provisions:

- The regulations must include the 7 year washout period for consideration of convictions or discipline which are not statutorily considered serious felonies under the Cal. Penal Code. See Cal Business and Professions Code 480(a)(1).

- The regulation language should provide that a denial cannot occur if it is based on an expunged conviction, if the person has provided evidence of rehabilitation, or was granted clemency/ pardon or for an arrest that led to a disposition other than a conviction. See Cal Business and Professions Code 480(c).

Additionally, the board should clarify the following aspects of the definition:

- Define “substantially related” to the qualifications, functions or duties of the business or profession should be clarified beyond already existing considerations.

- The intent of AB 2138 was not to incorporate mere probation or parole reports into the occupational licensing determinations. Rather, rehabilitation can and does take many

forms that extend beyond mere law enforcement supervision. For instance, the Board should consider reviewing volunteer searive, successful employment in a related field, unpaid work in the community, furthered education and other markers of rehabilitation. Merely looking to law enforcement will not adequately show how an applicant would do on the job.

- The regulations do not mention that obtaining a COR, dismissal, or arrest which merely led to an infraction/citation or juvenile adjudication means that a person shall not be denied a license.

- The regulations fail to include any mention of requirements to obtain statistical information on the number of applicants with a criminal record who apply and receive notice of denial/disqualification of licensure, provided evidence of mitigation.rehabilitation and the final disposition of demographic information. See Cal Business and Professions Code 480(g)(1)(2).

- The regulations fails to include that the board shall not require an applicant to disclose any information or documentation regarding the applicant's criminal history. See Cal Business and Professions Code 480(2).

- The regulations fails to include that the board shall notify the applicant in writing for denial, disqualifications, procedures in place for the applicant to challenges a drescions or request consideration, that the applicant has a right to appeal the board's decision and the process of requesting a complete conviction history. See Cal Business and Professions Code 480(3).

- To better define rehabilitation, we recommend that the board provide examples of evidence of mitigating circumstances and rehabilitation efforts to assist both the Board and licensing applicants.

Adequate implementation of the changes to California Business and Professions Code 480 will go a long way toward restoring hope and opportunity for the nearly one in three Californians who have an arrest or conviction record. Thank you for your consideration.

Sincerely,

ROOT & REBOUND
REENTRY ADVOCATES

Katherine Katcher, Executive Director
1730 Franklin St. Suite 300
Oakland, CA 94612

ATTACHMENT B
BOARD-APPROVED LANGUAGE

§1812. SUBSTANTIAL RELATIONSHIP CRITERIA

(a) For purposes of denial, suspension, or revocation of a license or registration pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by ~~his or her~~the license in a manner consistent with the public health, safety or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

1. The nature and gravity of the offense;

2. The number of years that have elapsed since the date of the offense;

3. How the offense relates to the nature and duties of a marriage and family therapist, educational psychologist, clinical social worker, or professional clinical counselor.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

1. Any violation of Article 6, Chapter 1, Division 2 of the Code.

2. Any violation of the provisions of Chapter 13, 13.5, 13.7, 14, or 16 of Division 2 of the Code.

Note: Authority cited: Sections 481, 493, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 493, 4982, 4989.54, 4992.3 and 4999.90, Business and Professions Code.

§1813. CRITERIA FOR REHABILITATION - DENIAL OF LICENSURE

(a) When considering the denial of a license or registration under Section 480 of the ~~Code,~~ Business and Professions Code on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: ~~the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration shall consider the following criteria:~~

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

~~(a)~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

~~(b)~~(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Code.~~under Section 480 of the Business and Professions Code.

~~(c)~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~Section 480 of the Code.~~subdivision (1) or (2).

~~(d)~~(4) ~~The extent to which~~Whether the applicant has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

~~(e)~~(6) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 141, 480, 481, ~~and~~ 482, 488 and 493, Business and Professions Code.

§ 1814. CRITERIA FOR REHABILITIATION - SUSPENSIONS OR REVOCATIONS

(a) When considering the suspension or revocation of a license~~, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:~~ on the ground that the holder of the license has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(b) If subdivision (a) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation if, after considering the following criteria, the board finds that the licensee is rehabilitated:

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

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

(3) The time that has elapsed since commission of the act(s) or crime(s) ~~giving rise to the suspension or revocation.~~referred to in subdivision (1) or (2).

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

(5) The criteria in subdivision (a)(1)-(5), as applicable.

~~(5)~~(6) If applicable, evidence of ~~expungement~~dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(6)~~(7) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial.

~~(7)~~(8) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.

~~(8)~~(9) Evidence, if any, of rehabilitation submitted by the licensee.

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

Note: Authority cited: Sections 482, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 141, 480, 481, 482, 488, ~~and~~ 490, and 493, Business and Professions Code.

§1888. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

(a) In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Behavioral Sciences shall consider

the "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" [Rev. ~~October 2015~~(*OAL TO INSERT EFFECTIVE DATE)*] which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards Related to Substance Abuse apply to cases of substance abuse. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) Notwithstanding subsection (a), if the conduct found to be a violation involves drugs and/or alcohol, the violation is a substance abuse violation for purposes of Section 315 of the Code. If the licensee or registrant does not rebut that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse shall apply without deviation.

(c) Nothing in this section shall prohibit the Board from imposing additional terms or conditions of probation in any order that the Board determines would provide greater public protection.

Note: Authority cited: Sections 315, 315.2, 315.4, 4980.60 and 4990.20, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 480, 4982, 4989.54, 4992.3, and 4999.90, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

§1888.1 REQUIRED ACTIONS AGAINST REGISTERED SEX OFFENDERS

(a) Except as otherwise provided by law, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board shall:

(1) Deny an application by the individual for licensure and registration, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code<u>, if the crime meets the conditions for denial specified in Section 480 of the Business and Professions Code</u>.

(2) Revoke the license or registration of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license or registration on probation.

(3) Deny any petition to reinstate or reissue the individual's license or registration.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code, provided, however, that nothing in this paragraph shall prohibit the board from

exercising its discretion to deny or discipline a license or registration under any other provision of state law based upon the licensee's or registrant's conviction under Section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license or registration shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license or registration shall govern.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 480, 4980.40, 4989.24, 4990.30, 4996.2, 4999.42, and 4999.51, Business and Professions Code.

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State of California

Department of Consumer Affairs

Board of Behavioral Sciences

UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

Revised: ~~**October 2015**~~ ***(OAL TO INSERT EFFECTIVE DATE)***

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

INTRODUCTION

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

These guidelines consist of four parts:

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

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

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

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

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

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

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I. Uniform Standards Related to Substance Abuse

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

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

Clinical Diagnostic Evaluations

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

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

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

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

Clinical Diagnostic Evaluation Report

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

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

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

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

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

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

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

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

Supervisor Requirements

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

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

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

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

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

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

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

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

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

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

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

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

    a. the licensee or registrant's name;

    b. license or registration number;

    c. supervisor's name and signature;

    d. supervisor's license number;

    e. worksite location(s);

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

    g. worksite staff interviewed, if applicable;

    h. attendance report;

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

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

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

Chemical Dependency Support or Recovery Group Meetings

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

1. the licensee or registrant's history;

2. the documented length of sobriety;

3. the recommendation of the clinical diagnostic evaluator;

4. the scope and pattern of substance abuse;

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

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

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

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

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

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

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

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

Major and Minor Violations

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

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

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

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

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

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

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

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

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

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

Positive Test for Alcohol and/or a Controlled Substance

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

- Automatically suspend the license or registration;

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

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

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

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

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

Drug Testing Standards

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

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

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

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

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

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

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

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

8. Collection of specimens shall be observed.

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

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

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

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

Drug Testing Frequency Schedule

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

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

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

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

Drug Testing Frequency Schedule Exceptions

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

1. Licensee or Registrant Demonstrates Previous Testing and Sobriety

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

2. Violations Outside of Employment

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

3. Not Employed in Health Care Field

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

4. Tolling

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

5. Substance Use Disorder Not Diagnosed

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

Criteria to Petition to Return to Practice

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

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

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

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

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

Criteria to Petition for Reinstatement to Unrestricted License or Registration

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

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

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

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

4. Demonstrated ability to practice safely; and

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

II. Penalty Guidelines

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

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

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

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

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

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

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

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

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

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

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

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

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III. Model Disciplinary Orders

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

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

Optional Terms and Conditions of Probation

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

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

1. Actual Suspension

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

OR

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

and pass licensure examinations).

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

2. Psychological / Psychiatric Evaluation

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

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

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

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

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

3. Psychotherapy

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

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

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

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

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

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

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

4. Clinical Diagnostic Evaluation

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

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

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

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

5. Supervised Practice

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

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

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

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

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

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

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

6. Education

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

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

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

7. Take and Pass Licensure Examinations

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

8. Rehabilitation Program

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

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

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

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

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

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

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

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

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

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

11. Restricted Practice

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

12. Restitution

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

13. Physical Evaluation

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

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

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

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

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

14. Monitor Billing System

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

15. Monitor Billing System Audit

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

16. Law and Ethics Course

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

units required for renewal of licensure.

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

Standard Terms and Conditions of Probation

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

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

Specific Language for Standard Terms and Conditions of Probation

(To be included in all Decisions)

17. Obey All Laws

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

18. File Quarterly Reports

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

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

19. Comply with Probation Program

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

20. Interviews with the Board

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

21. Failure to Practice

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

22. Change of Place of Employment or Place of Residence

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

23. Supervision of Unlicensed Persons

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

24. Notification to Clients

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

satisfactory evidence of compliance with this term of probation.

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

25. Notification to Employer

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

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

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

26. Violation of Probation

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

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

27. Maintain Valid License

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

28. License Surrender

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

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

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

29. Instruction of Coursework Qualifying for Continuing Education

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

30. Notification to Referral Services

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

31. Reimbursement of Probation Program

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

32. Cost Recovery

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

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

IV. BOARD POLICIES AND GUIDELINES

Accusations

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

Statement of Issues

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

Stipulated Settlements

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

Recommended Language for License Surrenders

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

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

Contingency

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

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

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

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

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

Recommended Language for Registration Applicants

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

Recommended Language for Registrants

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

Recommended Language for Licensees

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

Proposed Decisions

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

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

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

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

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

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

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

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

Reinstatement / Reduction of Penalty Hearings

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

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

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

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

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

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

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

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

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

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

In petitioning for Reinstatement or ~~Reduction~~Modification of Penalty under Business and Professions Code Section ~~4982.2~~4990.30, the petitioner has the burden of demonstrating that he or she has the necessary and current qualifications and skills to safely engage in the practice of marriage and family therapy, clinical social work, educational psychology, or professional clinical counselor within the scope of current law, and accepted standards of practice. In reaching its determination, the Board considers various factors including the following:

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

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

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

D. The petitioner's documented rehabilitative efforts;

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

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

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

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

Board of Behavioral Sciences

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Memo

To: Board Members **Date:** November 6, 2019

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

Subject: **Legislative Update**

BOARD-SPONSORED LEGISLATION

The Board sponsored 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 was signed by the Governor. (Chapter 380, Statutes of 2019)

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 was signed by the Governor. (Chapter 229, Statutes of 2019)

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 was signed by the Governor. (Chapter 456, Statutes of 2019)

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 is a two-year bill.

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 was signed by the Governor. (Chapter 321, Statutes of 2019)

6. **SB 163 (Portantino) Health Care Coverage: Pervasive Developmental Disorder or Autism**

This bill sought 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 revised 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 underwent a number of amendments that were substantive in nature.

Status: This bill was vetoed by the Governor. In his veto message, he stated that a formal licensing scheme to license providers of behavioral health treatment is a more appropriate venue to address qualification standards for practitioners, ensure quality of care, and provide effective consumer protection, and he encouraged the Legislature to pursue this.

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.

After the Board meeting, the bill was 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 activation, or replacement of a physical license for display.

Status: This bill was signed by the Governor. (Chapter 854, Statutes of 2019)

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 is a two-year bill.

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 was signed by the Governor. (Chapter 167, Statutes of 2019)

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 had been amended fairly significantly. The establishment of peer, parent, transition-age, and family peer support specialists was 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 was vetoed by the Governor. In his veto message, he stated that as his Administration works to transform the state's behavioral health care delivery system, there is an opportunity to more comprehensively include peer support services in these transformation plans. He specifies that this should be considered via the budget process and future legislation.

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. The bill now requires health care facilities 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 made against a licensee by a patient in writing, to the applicable state licensing agency within 15 days. The provision extending the reporting requirement to employees has been deleted.

Status: This bill was signed by the Governor. (Chapter 849, Statutes of 2019)

Updated: October 16, 2019

BBS
Board of Behavioral Sciences

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Memo

To: Board Members **Date:** November 6, 2019

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Status of Board Rulemaking Proposals**

Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

Status: Public Comments to the Board for Consideration

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, and was approved in July 2019 for filing with the Office of Administrative Law (OAL). The regulations were noticed to the public on August 8, 2019 and the hearing took place on September 30, 2019. Comments were received from a stakeholder that will be brought to the November 2019 Board meeting for consideration.

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: To be Submitted to OAL for Final Approval After Board Consideration of Changes

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 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. The submission was subsequently withdrawn after language changes were identified that will be brought to the Board for consideration at its November 2019 meeting.

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, and was approved by the State and Consumer

Services Agency on October 28, 2019. Language changes have been identified that will be brought to the Board for consideration at its November 2019 meeting.

Attachments

Attachment A: DCA Regulation Process
Attachment B: BBS Regulation Timeline

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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.

↓

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.

↓

2 — **DCA Board/Bureau**
Upon adoption of language, Board/Bureau completes final rulemaking binder and delivers to DCA Legal.

↓

3 — **DCA Legal**
Logged by Senior Legal Analyst, sent to assigned Legal Counsel.

↓

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** **NOVEMBER 6, 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	8/8/19	9/30/19				
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 & Withdrawn (to be resubmitted)
Supervision	11/4/16**	4/18/19	8/8/19***						

*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.
***Approved by Agency on 10/28/19

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.