



Board of Behavioral Sciences

Memo

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To: Board Members

Date: September 28, 2022

From: Rosanne Helms
Legislative Manager

Subject: Proposed Legislation: Omnibus Bill 2023

Each year, staff reviews the Board's statutes to determine if technical, minor or nonsubstantive amendments need to be made. Typically, such amendments are placed in an omnibus bill that the Legislature runs each year.

Staff has identified two sets of amendments that the Board may wish to consider for inclusion in the upcoming year's omnibus bill.

1. Add Business and Professions Code (BPC) §4990.11: Online License and Registration Verification (Attachment A)

Background: Currently, an individual who needs to verify licensure or registration to other states and employers must submit a request for certification either in writing or via Breeze and pay a \$25 fee. The Board then sends the certification to the address provided in 4 to 6 weeks. The current request for certification form can be found [here](#).

This process can be time-intensive both for the licensee and Board staff. Other DCA boards, notably the Board of Pharmacy (via [BPC §4106](#)) provide in law that a verification may be done via the online license verification feature (Breeze system).

The Board already provides a letter on its website stating that its online lookup may serve as a Primary Source Verification. That letter can be found [here](#). However, the Board's Legal Counsel recommends adding this to statute, as Pharmacy Board has done.

Recommendation: Add BPC §4990.11 to the Board's statute to state that licensing information contained on the licensee lookup portion of the Board's website may be used for license verification purposes.

Stating this affirmatively will clear up any conclusion regarding whether such a lookup serves as a primary source verification or not. It would provide the following benefits:

- The license information on the website is updated regularly (nightly) and is not a static document like the current license certifications are.
- Licensees seeking a verification would no longer need to pay a fee and wait 4-6 weeks for the verification to issue.
- Processing is automatic (the verifier simply enters the information into the online lookup) and therefore uses less BBS staff time.

In recognition that some states may still require a paper certification, staff proposes leaving the fee for a certificate or letter of good standing in statute (BPC §§ 4984.7, 4989.68, 4996.3, and 4999.120), and leaving the form to request a certification on the website. This way, both methods of verification will remain an option.

2. Amend BPC §4989.14(b): Inclusion of MFT Trainees in list of LEP Supervisees (Attachment B)

Background: Current LMFT statute, BPC [§4980.48\(a\)](#), contains a list of acceptable license types which may supervise MFT trainees. The list includes licensed educational psychologists (LEPs).

Current LEP statute, BPC §4989.14(b) defines educationally related mental health services for the purposes of LEPs supervising associates. However, MFT trainees are not listed, even though BPC §4890.48 indicates that LEPs may supervise them.

Recommendation: Amend BPC §4989.14(b) to include MFT trainees in the list of professionals that LEPs supervise, consistent with what is indicated in BPC §4980.48.

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: Add BPC §4990.11: Online License and Registration Verification

Attachment B: Amend BPC §4989.14(b): Inclusion of MFT Trainees in list of LEP Supervisees

ATTACHMENT A
OMNIBUS BILL 2023 PROPOSED LANGUAGE
ONLINE LICENSE AND REGISTRATION VERIFICATION

ADD BPC §4990.11

For purposes of license and registration verification, a person may rely upon the licensing and registration information as it is displayed on the board's internet web site that includes the issuance and expiration dates of any license or registration issued by the board.

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ATTACHMENT B
OMNIBUS BILL 2023 PROPOSED LANGUAGE
INCLUSION OF MFT TRAINEES IN LIST OF LEP SUPERVISEES

AMEND BPC §4989.14

(a) The practice of educational psychology is the performance of any of the following professional functions pertaining to academic learning processes or the educational system or both:

- (1) Educational evaluation.
- (2) Diagnosis of psychological disorders related to academic learning processes.
- (3) Administration of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (4) Interpretation of diagnostic tests related to academic learning processes including tests of academic ability, learning patterns, achievement, motivation, and personality factors.
- (5) Providing psychological counseling for individuals, groups, and families.
- (6) Consultation with other educators and parents on issues of social development and behavioral and academic difficulties.
- (7) Conducting psychoeducational assessments for the purposes of identifying special needs.
- (8) Developing treatment programs and strategies to address problems of adjustment.
- (9) Coordinating intervention strategies for management of individual crises.

(b) For purposes of supervising an associate marriage and family therapist [or a marriage and family therapist trainee](#) pursuant to Section 4980.03, an associate clinical social worker pursuant to Section 4996.20, or an associate professional clinical counselor pursuant to Section 4999.12, “educationally related mental health services” are mental health services provided to clients who have social, emotional, or behavioral issues that interfere with their educational progress. These services include all of the following:

- (1) Educationally related counseling services to clients qualified for special education that are necessary to receive a free appropriate public education in the least restrictive environment pursuant to the federal requirements of Section 1412 of Title 20 of the United States Code.

(2) Intensive counseling services on a continuum which may reflect an increase in frequency, duration, or staff specialization to address the client's emotional and behavioral needs.

(3) Counseling services provided by qualified practitioners.

(4) Parent counseling and training.

(5) Psychological services that include consulting with staff members in planning school programs to meet the client's educational needs and assisting in developing positive behavioral intervention strategies for the client.

(6) Social work services such as preparing a social or developmental history on a client with a disability.

(7) Group and individualized counseling with the client and family.

(8) Mobilizing school and community resources to enable the client to learn as effectively as possible in their educational program, as outlined in Section 300.34 of Title 34 of the Code of Federal Regulations.