

Susan Ulevitch, LCSW Professional Member			
Date Appointed:	September 2001		
Term Expired:	June 1, 2005		
Grace Period Expired:	August 1, 2005		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2005	May 19-20	Sacramento	Y
	April 26	Sacramento	Y
	February 17-18	San Diego	Y
Education Committee 2005	May 20	Sacramento	Y
	February 18	San Diego	Y
Licensing Committee 2005	May 20	Sacramento	Y
	February 18	San Diego	Y
Board Meetings 2004	November 18-19	San Jose	Y
	October 6	Sacramento	Y
	September 13	Teleconference	Y
	August 19	El Segundo	Y
	June 21	Teleconference	Y
	May 20-21	San Diego	N
	April 15	Teleconference	N
	February 19-20	Sacramento	Y
Education Committee 2004	January 7	Teleconference	Y
	November 18	San Jose	Y
	August 19	El Segundo	Y
Licensing Committee 2004	May 20	San Diego	Y
	November 18	San Jose	Y
	August 19	El Segundo	Y
	February 20	Sacramento	Y

Peter Manoleas, LCSW Professional Member			
Date Appointed:	June 2, 2002		
Term Expired:	June 1, 2006		
Grace Period Expired:	August 1, 2006		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2006	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Policy and Advocacy Committee 2006	June 28	Los Angeles	Y
	April 19	Sacramento	Y
	January 20	Los Angeles	Y
Communications Committee 2006	June 28	Los Angeles	Y
	March 29	Costa Mesa	Y
	January 20	Los Angeles	Y
Board Meetings 2005	November 17-18	San Francisco	Y
	August 11	Los Angeles	Y
	July 28	Los Angeles	Y
	May 19-20	Sacramento	Y
	April 26	Sacramento	N
Education Committee 2005	February 17-18	San Diego	Y
	August 11	Los Angeles	Y
	May 20	Sacramento	Y
Examination Committee 2005	February 18	San Diego	Y
	August 11	Los Angeles	Y
	May 20	Sacramento	Y
Board Meetings 2004	February 18	San Diego	Y
	November 18-19	San Jose	Y
	October 6	Sacramento	Y
	September 13	Teleconference	Y
	August 19	El Segundo	Y
	June 21	Teleconference	Y
	May 20-21	San Diego	Y
	April 15	Teleconference	Y
February 19-20	Sacramento	Y	
Education Committee 2004	January 7	Teleconference	Y
	November 18	San Jose	Y
	August 19	El Segundo	Y
Examination Committee 2004	May 20	San Diego	Y
	November 18	San Jose	Y
	August 19	El Segundo	Y
AdHoc Disciplinary Guidelines Committee 2004	May 20	San Diego	Y
	February 19	Sacramento	Y
	January 7	Sacramento	Y
Consumer Services/Consumer Protection Committee 2004	February 19	Sacramento	Y

Catherine Kay, Public Member			
Date Appointed:	May 2002		
Term Expired:	June 1, 2005		
Grace Period Expired:	August 1, 2005		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meetings 2005	July 28	Los Angeles	Y
	May 19-20	Sacramento	Y
	April 26	Sacramento	Y
	February 17-18	San Diego	Y
Consumer Services/Consumer Protection Committee 2005	May 20	Sacramento	Y
	February 18	San Diego	Y
Licensing Committee 2005	May 20	Sacramento	Y
	February 18	San Diego	Y
Board Meetings 2004	November 18-19	San Jose	Y
	October 6	Sacramento	Y
	September 13	Teleconference	Y
	August 19	El Segundo	Y
	June 21	Teleconference	Y
	May 20-21	San Diego	Y
	April 15	Teleconference	Y
	February 19-20	Sacramento	Y/N
Consumer Services/Consumer Protection Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
Licensing Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
	February 20	Sacramento	N
AdHoc Disciplinary Guidelines Committee 2004	May 20	San Diego	Y
	February 19	Sacramento	Y
	January 7	Sacramento	Y

Board Member and Committee Roster

Table 1b. Board/Committee Member Roster						
Member Name (Include Vacancies)	Date First Appointed	Date Reappointed	Date Term Expires	Appointing Authority	Type (public or professional)	Committee
Sarita Kohli	6/7/2011		6/1/2014	Governor	Professional	Licensing Examination
Christina Wong	5/18/2011		6/1/2013	Governor	Professional	Licensing Examination
Karen Pines	4/5/2011		6/1/2013	Governor	Professional	Licensing Examination
Christine Wietlisbach ^	2/7/2010	6/1/2011	6/1/2015	Senate	Public	Policy Advocacy
Samara Ashley	1/21/2010		6/1/2013	Governor	Public	Compliance Enforcement
Patricia Lock-Dawson ^^	1/13/2010		6/1/2013	Governor	Public	Compliance Enforcement
Harry Douglas	5/14/2009	7/11/2007	6/1/2015	Assembly	Public	Compliance Enforcement
Renee Lonner	1/17/2007	7/6/2010	6/1/2014	Governor	Professional	Policy Advocacy
Julia Johnson	8/24/2005	7/15/2008	6/1/2012	Governor	Professional	Policy Advocacy
Vacant (DiGiorgio)			6/1/2015	Governor	Public	
Vacant (Foster)			6/1/2013	Governor	Public	
Vacant (Perez)			6/1/2010	Governor	Public	
Gordonna DiGiorgio	9/9/2005	7/11/2007	6/1/2011	Governor	Public	
Janice Cone	3/24/2010		3/24/2011*	Governor	Professional	
Michael Webb	1/22/2010		1/22/2011*	Governor	Professional	
Elise Froistad	5/24/2007	7/19/2010	5/24/2011*	Governor	Professional	
Victor Perez	11/3/2006		6/1/2010	Governor	Public	
Vacant (Walmsley)			6/1/2013	Governor	Professional	
Vacant (Russ)			6/1/2013	Governor	Professional	
Vacant (Cameron Wedding)			6/1/2013	Senate	Public	
Rita Cameron Wedding	9/2007		8/6/2009**	Senate	Public	
D'Karla Leach	9/27/2006		6/1/2009	Governor	Public	
Karen Roye	9/18/2006		6/1/2009	Governor	Public	
Ian Russ	9/19/2005		6/1/2009	Governor	Professional	
Joan Walmsley	11/11/2005		6/1/2009	Governor	Professional	
Victor Law	11/1/2003		6/1/2007	Assembly	Public	

Bold denotes current board members
* **Janice Cone, Michael Webb, and Elise Froistad were not confirmed and left office before their terms expired.**
** **Rita Cameron Wedding resigned on August 6, 2009.**

^ Current Board Chairperson

^^ Current Board Vice Chairperson

In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

- September 2011: Licensing and Examination Committee was cancelled as a result of member absences and inability to establish a quorum. Agenda topics were forwarded to the October 13, 2011 Policy and Advocacy Committee meeting.
- October 5, 2009: Examination Program Review Committee (EPRC) did not establish a quorum due to absences. Members in attendance listened to presentations and referred agenda items requiring action to the Board for consideration.
- March 23, 2009: EPRC did not establish a quorum due to absences. The approval of minutes was deferred until the next committee meeting. Committee members in attendance listened to presentations.
- February 2, 2009: EPRC did not establish a quorum due to absences. The approval of minutes was deferred until the next committee meeting. Committee members in attendance listened to presentations.
- December 8, 2008: EPRC did not establish a quorum due to absences. The approval of minutes was deferred until the next committee meeting. Committee members in attendance listened to presentations.
- December 8, 2008: LCSW Education Committee did not establish a quorum due to absences. The approval of minutes was deferred until the next committee meeting. Committee members in attendance listened to presentations.

Major Changes since the Last Sunset Review

Describe any major changes to the board since the last Sunset Review, including: Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

Reorganization

Since the last Sunset Review in 2004, the Board restructured its organization to meet its operational needs more efficiently.

Prior to 2004, the management composition consisted of the Executive Officer (EO) and Assistant Executive Officer (AEO) managing the daily activities related to program administration, licensing, examination, and enforcement, in addition to policy decisions and implementing the direction of the board members. Following an evaluation of the Board's operational needs and desire to improve efficiency, the Board gained a manager position in 2005 to provide oversight of the daily activities of all Board programs. This allowed the EO and AEO to primarily focus on policy decisions, changes in mental health affecting the Board's licensees and registrants, and implementing the direction of the board members.

A steady growth in licensees and registrants and the addition of the Licensed Professional Clinical Counselor program in 2011 resulted in a 38% increase in total staffing since 2005. Three separate units were created grouping similar or related activities together. The Licensing and Examination, Enforcement, and Administration units each are under the direction and supervision of a Staff Services Manager.

The current management structure provides for ongoing review of processes to identify areas for process improvements and staff development.

The composition of the Board's staffing since 2004 is noted in the chart below.

	2005	2006	2007	2008	2009	2010	2011
Total Authorized Staff Positions	32	31	33	35	39	38	44
Total Staff	29	28	30	30	34	33	39
Managers	1	1	1	3	3	3	3
AEO	1	1	1	1	1	1	1
EO	1	1	1	1	1	1	1

Relocation

In 2005 the Board relocated from 400 R Street, Sacramento, California to its current location at 1625 North Market Boulevard, Sacramento, California.

Change in Leadership

From 2004 to 2009 the Board consisted of eleven board members. The Board was comprised of six public members, two LCSWs, two LMFTs, and one LEP.

The addition of the LPCC program to the Board's regulatory responsibilities increased the composition of the Board from eleven members to twelve members with the addition of one public member in 2010. Effective January 1, 2012, the Board will consist of thirteen members: seven public members, two LCSWs, two LMFTs, one LEP, and one LPCC.

Board Members elect a Chairperson and Vice Chairperson annually. Current Board policy provides that in the event the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Since November 2004, the Board has had two Executive Officers. The previous incumbent served from November 2004 to November 2009. The current Executive Officer was appointed in January 2010.

Strategic Plan

The Board revised its Strategic Plan in 2007. The 2007 Strategic Plan adopted the Board's current mission statement – *Protect Californians by promoting consumer awareness, advocating for improved mental health services, and setting, communicating, and enforcing standards*

The Board's 2007 Strategic Plan was updated in 2009. This revision further defined the Board's goals with the inclusion of performance measures. In 2010, the Strategic Plan was revised to reflect the core functions of the Board with the primary goal to become a model state agency and enhance consumer protection.

Legislative Activity

Legislation Sponsored by or Affecting the Board of Behavioral Sciences

A number of legislative changes relevant to the Board's duties have been enacted since the last Sunset Review in 2004. These changes are listed below in chronological order.

Senate Bill 363 - Department of Consumer Affairs (DCA) Regulation (Figuroa, Chapter 874, Statutes of 2003) This bill broadened the Board's authority to administer a written examination, an oral examination, or both.

Assembly Bill 2182 – Minors: Consent to Counseling (Koretz, Chapter 59, Statutes of 2004)

This legislation added MFT Interns and ASWs to the identification of professional persons who can treat a minor age 12 and older for drug and alcohol problems. This bill was sponsored by the California Association of Marriage and Family Therapists (CAMFT).

Assembly Bill 2552 – Marriage and Family Therapy (Leno, Chapter 204, Statutes of 2004)

This legislation added the use, application, and integration of required coursework and training to the MFT scope of practice, and addressed the arrangements of alternative supervision when an MFT Intern's supervisor is on vacation or sick leave. This bill was sponsored by CAMFT.

Senate Bill 136 – Professions and Commissions (Figueroa, Chapter 909, Statutes of 2004)

This legislation further clarified the examinations required for licensure by specifying the written clinical vignette examination, identified the fees associated with that examination, and gave the Board the authority to adjust all fees for examinations to those actually incurred.

Senate Bill 1913 – Professions (Committee on Business and Professions, Chapter 695, Statutes of 2004)

This legislation further clarified the aging and long-term care continuing education requirement, identified the correct fee charged for registration as an Associate Clinical Social Worker, referenced the correct process performed by the Council on Social Work Education, established criteria for acceptance of a master of social work (MSW) degree obtained outside the United States, and deleted unnecessary language regarding acceptance of in-state and out-of-state experience.

Assembly Bill 1188 – Abuse: Reporting (Wolk, Chapter 163, Statutes of 2005) This legislation created consistency in the penalty structure for failing to make or impeding a mandated report, such as child abuse or neglect, and elder or dependent adult abuse or neglect.

Senate Bill 229 – Professions and Vocations (Figueroa, Chapter 658, Statutes of 2005)

This bill extended the Board of Behavioral Sciences as a board through July 1, 2008; capped LMFT pre-degree hours at 1,300; reorganized and consolidated LMFT experience provisions to make the law easier to read; reinforced the Legislature's intent that revocation be required after a finding of fact that a licensee or registrant had sexual contact with a patient; prohibited the Board from staying the revocation; and defined "discovers" as the date the Board received a complaint or a release of information from the complainant, whichever arrives later.

Senate Bill 231 – Reporting of Civil Awards (Figueroa, Chapter 674, Statutes of 2005)

This legislation required a LEP, MFT Intern, or ASW or his or her counsel to report to the Board within 30 days any judgment, settlement, or arbitration award over \$3,000, resulting from a claim or action for damages for death or personal injury, when the LEP or registrant does not possess professional liability insurance for that claim. This bill also required an LMFT, LCSW, or his or her counsel to report to the Board within 30 days any judgment, settlement, or arbitration award over \$10,000, resulting from a claim or action for damages for death or personal injury, when the MFT or LCSW does not possess professional liability insurance for that claim.

Assembly Bill 525 - Child Abuse Reporting (Chu, Chapter 701, Statutes of 2006) This bill was sponsored by CAMFT. The bill did the following:

- Clarified that "emotional abuse" may be reported, but is not required to be reported.
- Clarified that confidentiality protections for mandated reporters also apply to those who report "emotional abuse."
- Permitted those who report "emotional abuse" to receive the same feedback as they would when making a mandated report of child abuse upon a final disposition of a case.
- Conformed the procedures for reporting of "emotional abuse" to certain existing procedures applicable to mandated reporting.

Assembly Bill 1852 - Licensed Mental Health Service Provider Education Program (Yee, Chapter 557, Statutes of 2006) This bill allowed LMFT Interns and ASWs to be eligible for educational loan repayment from the Licensed Mental Health Service Provider Education Program, upon implementation of regulations by the Health Professions Education Program. The Board sponsored this legislation.

Senate Bill 1475 - Reorganization of LEP and Administration Statutes; Portability of Licensure for LCSWs (Committee on Professions, and Economic Development, Chapter 659, Statutes of 2006) This legislation reorganized and revised the Board's administration statutes for clarity, removed obsolete provisions, and made other minor refinements. This bill also reorganized and revised the LEP statutes to remove obsolete provisions, modernize statutes relating to licensure, scope of practice, continuing education, and enforcement, and to create better consistency with the Board's other practice acts. Additionally, this law facilitated portability of licensure for clinical social workers licensed in another state and extended the Board's sunset date by one year to July 1, 2009.

Assembly Bill 234 - Marriage and Family Therapy; and Licensed Educational Psychology (Eng, Chapter 586, Statutes of 2007) This legislation addressed changes made by Senate Bill 1475 (Statutes of 2006) pertaining to LEPs. This bill changed the continuing education (CE) requirement from 150 hours every five years to 36 hours every two years, in order to ensure that LEPs are not required to complete an excessive amount of CE in comparison to their colleagues with similar licenses. It also permitted supervised experience in a school psychology program to have been gained at any time prior to application for licensure, and restored the Board's ability to deem different degree titles as equivalent. The Board sponsored this legislation.

Senate Bill 1048 - Omnibus Bill (Committee on Professions and Economic Development Committee, Chapter 588, Statutes of 2007) The Board sponsored the following provisions of Senate Bill 1048:

- Unprofessional Conduct: The following was added to the Board's unprofessional conduct statutes:
 - A willful violation of the Health and Safety Code pertaining to release of records.
 - A violation of the telemedicine statute.
 - A list of all types of unprofessional conduct in one section.
- Elimination of Extensions for ASW Registrations: required an ASW to obtain new registration if needed, rather than one-year extensions, once his or her registration is no longer renewable.
- Out-of-State MFT Education: clarified that persons seeking an LMFT license, who live in California yet attend a school located outside of California, must meet California's education standards.
- Reduced License Delinquency Period to Three Years: decreased the amount of time a license can remain delinquent from five years to three years.
- Fictitious Business Names: addressed the use of fictitious business names for LCSWs in private practice, in parallel with current LMFT statute.
- Fee Statutes: made a number of technical changes related to fee and renewal statutes for consistency and clarity.
- Exempt Practice Settings: aligned exempt settings specified in LCSW statute with those specified in LMFT statute.
- Portability of LMFT Licensure: modified California's licensing requirements for LMFTs licensed at an equivalent level in another state by making reasonable allowances for equivalent coursework, and for supervised experience gained more than six years ago.
- Qualifications for MFT Intern Registration: eliminated an outdated provision which permits applicants for MFT Intern registration to qualify under an alternative method.

Assembly Bill 1897 - Acceptance of degrees conferred by schools approved by the Bureau of Private Postsecondary and Vocational Education (Emmerson, Chapter 489, Statutes of 2008) This bill allowed the Board to accept degrees for MFT Intern registration or for LMFT licensure from schools accredited by regional accrediting bodies that are equivalent to Western Association of Schools and Colleges (WASC). This bill specified that a doctor's or master's degree approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, shall be considered by the Board to meet the specified licensure and registration requirements if the degree was conferred on or before July 1, 2010.

Senate Bill 797 – Unprofessional Conduct and Statute of Limitations (Ridley-Thomas, Chapter 33, Statutes of 2008) This bill allowed the Board to discipline a licensee or deny a license for certain sexual acts with a minor that occurred prior to the person being licensed. Previously, when a complaint was received regarding a person not yet registered or licensed with the Board, the Board could investigate and deny a registration or license, if warranted. However when a complaint was received regarding conduct prior to licensure after a person becomes licensed, the Board could not take any action. Therefore, the Board was required to treat the same complaint differently based solely on when the complaint was received. This legislation corrected this problem in cases where sexual misconduct with a minor is alleged and only when there is corroborating evidence.

Senate Bill 963 - Oversight of DCA Boards and Bureaus (Ridley-Thomas, Chapter 385, Statutes of 2008.) Current law allowed the Board to become inoperative July 1, 2009. This bill extended the Board's inoperative date to January 1, 2011.

Senate Bill 33 - Marriage and Family Therapist Educational Requirements (Correa, Chapter 26, Statutes of 2009) This bill, sponsored by the Board, made a number of changes relating to supervised experience and education required to become an LMFT, including:

- Permitting MFT Interns to gain a portion of supervision via videoconferencing, if working in a governmental entity, school, college or university, or a nonprofit and charitable institution;
- Allowing applicants to count experience for performing "client centered advocacy" activities; and,
- Requiring applicants for MFT licensure to submit W-2 forms and verification of volunteer employment.

Additionally, the following becomes effective August 1, 2012:

- Increasing the graduate degree's total unit requirement from 48 to 60 semester units (72 to 90 quarter units);
- Requiring students to be enrolled in a practicum course while seeing clients and gain an additional 75 hours performing face-to-face counseling or client centered advocacy;
- Providing more flexibility in the degree program by requiring fewer specific hours or units for particular coursework, allowing for innovation in curriculum design;
- Requiring certain coursework, such as California law and ethics and child abuse assessment and reporting, which are currently required prior to licensure, to instead be completed prior to registration as a MFT intern and within the degree program; and,
- Infusing the culture and norms of public mental health work and principles of the Mental Health Services Act throughout the curriculum.

Senate Bill 788 - Licensed Professional Clinical Counselors (Wyland, Chapter 619, Statutes of 2009) This bill established title protection, licensure, and regulation for Licensed Professional Clinical Counselors, with the program to be administered by the Board. The bill established licensing requirements for LPCCs that are substantially equivalent to licensing standards for LMFTs and LCSWs, which are comparable professions that the Board also regulates.

Additionally, this bill as amended, incorporated educational requirements similar to those that were being proposed for LMFTs found in Senate Bill 33 (Correa). This bill was sponsored by the California Coalition for Counselor Licensure.

Senate Bill 819 – Omnibus Bill (Yee, Chapter 308, Statutes of 2009) The Board sponsored portions of this omnibus bill, including provisions adding a chapter title to LMFT licensing law, as well as numerous clean-up provisions and deletions of obsolete language relating to Board licensees. Additionally, this bill contained a provision that prohibits the Board from publishing on the internet for more than five years the final determination of a citation and fine of one thousand five hundred dollars (\$1,500) or less against a registrant or licensee.

Senate Bill 821 – Omnibus Bill (Committee on Business, Professions and Economic Development, Chapter 307, Statutes of 2009) The Board sponsored the following provisions in this omnibus bill:

- Provisions clarifying unprofessional conduct for Board licensees.
- A provision allowing ASWs to gain a portion of their supervision via videoconferencing.
- The provision limiting the number of registrants that may work under the supervision of a licensed professional in private practice.
- Provisions clarifying examination eligibility for LCSWs and LEPs.
- Provisions relating to registrants leasing or renting space from their employer.
- Numerous clean-up provisions relating to Board licensees.

Senate Bill 294 - Professions and Vocations: Regulation (Negrete McLeod, Chapter 695, Statutes of 2010) This law changed the Board's sunset date from January 1, 2011 to January 1, 2013.

Senate Bill 1172 Regulatory Boards: Diversion Programs (McLeod, Chapter 517, Statutes of 2010) This law requires the Board to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation.

Senate Bill 1489 – Omnibus Bill (Committee on Business, Professions, and Economic Development, Chapter 653, Statutes of 2010) The Board sponsored portions of this omnibus bill, including conforming amendments to sections of the newly enacted LPCC Act, conforming amendments to the general Board statute incorporating Licensed Professional Clinical Counselors, and numerous clean-up provisions deleting obsolete language and correcting drafting errors relating to Board licensees.

Assembly Bill 2191 - Retired License (Emmerson, Chapter 548, Statutes of 2010) This Board sponsored legislation created a retired license category for all licensees, with a one-time fee of \$40. A retired licensee retains the ability to reactivate their license within five years or less, or after five years or more by passing the current required licensing exams.

Assembly Bill 2435 - Elder and Dependent Adult Abuse (Lowenthal, Chapter 552, Statutes of 2010) This law requires LMFT, LCSW, and LPCC applicants to complete coursework which includes instruction on the assessment and reporting of, as well as the treatment related to, elder and dependent adult abuse and neglect.

Assembly Bill 2699 Healing Arts: Licensure Exemption (Bass, Chapter 270, Statutes of 2010) This law allows a health care practitioner who is licensed or certified in another state to provide health care for which he or she is licensed in the State of California if they meet specified conditions and the services provided meet the following conditions:

- Care is to uninsured or underinsured persons;
- Care is on a short-term, voluntary basis;
- Care is in association with a sponsoring entity that registers with the applicable healing arts board, pays a registration fee, and provides specified information to the county health department of the county in which the health care services will be provided; and,
- It is without charge to the recipient or to a third party on behalf of the recipient.

Assembly Bill 956 - Marriage and Family Therapy: Interns and Trainees: Advertisements (Hernandez, R., Chapter 166, Statutes of 2011) This bill requires MFT Interns and Trainees to inform each client, prior to performing professional services, that he or she is an unlicensed intern or trainee, provide the name of his or her employer, and to indicate that he or she is under the supervision of an LMFT, LCSW, Licensed Psychologist, or a Licensed Physician and Surgeon certified in psychiatry by the American Board of Psychiatry and Neurology. This law also requires MFT Interns and Trainees to be clear in their advertising that they are not yet licensed and are under supervision. It prohibits the acronym "MFTI" unless "Marriage and Family Therapy Intern" is spelled out in the advertisement. This legislation was sponsored by CAMFT.

Senate Bill 274 - Professional Clinical Counselors (Wyland, Chapter 148, Statutes of 2011) This bill was an urgency measure and became effective immediately. The law does the following to assist in the implementation of the LPCC program:

- Extends the grandparenting period for those seeking licensure as a LPCC, as the original grandparenting period expired before the Board was able to accept applications.
- Makes a technical change to allow supervision by a Professional Clinical Counselor or equivalent as acceptable supervision for a grandparenting candidate.
- Removes the requirement of annual license renewal for grandparented LPCCs.
- Clarifies existing law regarding the definition of engaging in practice.
- Requires clinical counselor interns to provide the same level of documentation of their experience as applicants for other licenses issued by the Board.

Senate Bill 541 - Regulatory Boards: Expert Consultants (Price, Chapter 339, Statutes of 2011) This bill allows a board under the jurisdiction of DCA to contract with an expert consultant without being subject to the provisions of the State Contract Act, if the expert is providing any of the following services: providing an expert opinion on enforcement related matters; assisting the board as a subject matter expert in exam development, exam validation, or occupational analysis; or evaluating the mental or physical health of a licensee or applicant for licensure.

Senate Bill 943—Omnibus Bill (Committee on Business, Professions, and Economic Development, Chapter 350, Statutes of 2011) This law makes technical clean-up amendments to the Board's LMFT, LEP, LCSW, and LPCC statutes. It also makes amendments to include LPCCs in statute where the Board's other licensees are already included, and makes LPCC law consistent with the law for the Board's other licenses.

Senate Bill 146 - Healing Arts: Professional Clinical Counselors (Wyland, Chapter 381, Statutes of 2011) This bill, sponsored by the California Association for Licensed Professional Clinical Counselors (CALPCC) adds LPCCs to statutory code sections consistent with the inclusion of other Board licensees. Key amendments include adding LPCCs to the list of mandated reporters, and adding LPCCs to the list of practitioners that are defined as a psychotherapist.

Senate Bill 363 - Marriage and Family Therapists (Emmerson, Chapter 384, Statutes of 2011) This bill, sponsored by the Board, makes the following three amendments to clarify the law as it relates to MFT Interns and Trainees:

- Amends the law to allow a trainee to counsel clients outside of practicum if the period outside of practicum is less than 90 calendar days and if that period is immediately preceded and immediately followed by enrollment in a practicum course;
- Limits the client centered advocacy allowed for an MFT Intern to 500 hours; and,
- Allows LPCCs to supervise MFT interns if they meet the additional training and education requirements that are required of them by law in order to treat couples and families.

Senate Bill 704 – Examination Program Restructure (Negrete McLeod, Chapter 387, Statutes of 2011) This bill restructures the Board’s examination process for licensure as a LMFT, LPCC, and LCSW. Under current law, applicants must take and pass a standard written examination upon completion of examination eligibility requirements, which includes completion of experience requirements. Once an applicant passes the standard written examination, they are eligible to take a clinical vignette examination. An applicant must pass both examinations to be eligible for licensure.

This bill requires applicants for licensure to pass two new exams: a California law and ethics examination and a clinical examination. These new exams would replace the current standard written and clinical vignette exams.

Under this bill, the timing of when examinations would be taken would change. The California law and ethics examination would be taken during the registration period while the applicant gains experience hours. The clinical examination would be taken once the registrant has completed all supervised work experience, education requirements, and passed the California law and ethics examination.

Regulation Activity

Regulations Initiated by the Board

A number of regulatory changes have been enacted since the last Sunset Review in 2004. The changes are listed below in chronological order.

Child Abuse Assessment Training Requirements: Effective April 13, 2003, Section 1807.2 of Article 1, Title 16 of Division 18, of the California Code of Regulations (CCR), was amended to add continuing education providers and licensed health facilities to the entities that can offer the child abuse assessment required training to pre-licensed individuals. This amendment also corrected a reference to the Education Code regarding the approving authority of the Bureau for Private Postsecondary and Vocational Education.

Unprofessional Conduct: Effective June 26, 2003, 16 CCR Sections 1845, 1858, and 1881 were amended to add failure to comply with the elder abuse and adult dependent abuse reporting requirements to the list of violations that constitute unprofessional conduct.

Restructuring Marriage and Family Therapist and Licensed Clinical Social Worker Examination Process: Effective January 1, 2004, 16 CCR Sections 1816.2, 1816.3, 1833.3 and 1877 were amended, Section 1829 was added, and Section 1815 was repealed to further clarify the legislative amendments included in Senate Bill 363 (Chapter 874, Statutes of 2003), which became effective March 3, 2004. This rulemaking also implemented the Board’s November 13, 2003, decision to eliminate the oral examination, add a written clinical vignette examination, and conform regulation language to current law.

Alcoholism and Other Chemical Substance Dependency Training: Effective August 1, 2004, 16 CCR Section 1810 was amended to allow local, county, state or federal governmental entities, licensed health facilities, and continuing education providers approved by the Board to offer the alcohol and other chemical substance dependency training required of those applying for licensure as a LMFT with education and/or licensure in another state. The amendments also apply to applicants for licensure as a LCSW with education and/or licensure in another state.

Disciplinary Guidelines: Effective August 21, 2005, 16 CCR Section 1888 was amended to update the Disciplinary Guidelines set forth by the Board. The amendments provide clarity, efficiency, consistency, and thoroughness in the disciplinary guidelines.

Changes Without Regulatory Effect (technical or editorial changes): Effective February 21, 2006, technical changes were made to the following 16 CCR Sections: 1833.1, 1870, 1870.1. Technical changes were also made to form 1800 37A-523 "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern," form 1800 37A-521 "Supervisory Plan" for Associate Clinical Social Workers, and form 1800 37A-522, "Responsibility Statement for Supervisors of an Associate Clinical Social Worker."

Citations and Fines: Effective September 3, 2006, 16 CCR Section 1886.40 was amended to increase the maximum fine from \$2,500 to \$5,000 for specified violations under the Board's citation and fine program for LMFTs, LCSWs, LEPs, and Board registrants. .

Delegation of Authority: This regulatory change took effect on April 19, 2007 and amends 16 CCR Section 1803. This section pertains to the delegation of certain functions by the Board to the Executive Officer. These amendments allow the Executive Officer to sign orders to compel a psychiatric evaluation of a Board licensee or registrant as part of an investigation of a complaint.

Abandonment of Application Files, Fees, and Technical Cleanup: Effective December 30, 2007, 16 CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1856, and 1858 were amended and Sections 1833.3, 1855, and 1857 were repealed. These regulatory changes establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant takes a different version of the examination; provides all candidates with a one-year period in which to take an examination to avoid abandonment of their application; set forth non-substantive changes that restructure the regulations and make text revisions in order to provide clarity, improve structure and order, provide consistency across the practice acts, and remove duplicative, outdated, or unnecessary language; and implement technical and/or editorial changes in line with statutory changes made by Senate Bill 1475 (Statutes of 2007).

Delinquency Fees for Continuing Education Providers: Effective January 26, 2008, 16 CCR Sections 1816.7 and 1887.7 were amended and Sections 1887.75 and 1887.77 were adopted. These changes add a delinquency fee and renewal process for Continuing Education Provider approvals; prohibit a provider from applying for a new approval number within one year of an existing approval's expiration unless the provider has undergone a change in ownership; and prohibit a course from being presented for CE credits for licensees of the Board when a provider's approval is expired.

Requirements for Supervisors: Effective January 26, 2008, 16 CCR Sections 1833.1 and 1870 were amended to delete the requirement that supervisors of MFT Interns or Trainees average five patient/client contact hours per week and revise the Responsibility Statement for Supervisors form.

Continuing Education Requirements: Effective March 20, 2008, 16 CCR Sections 1887.2 and 1887.3 were amended to allow a licensee to earn up to nine (9) hours of continuing education through self-study courses during the initial license period and eighteen (18) hours during the renewal periods.

Interim Recognition of Degrees from Institutions Approved by the Bureau for Private Postsecondary and Vocational Education: Effective February 27, 2009, 16 CCR Section 1832.5 was amended to recognize specified educational degrees approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, as meeting the degree requirements for LMFT licensure and MFT Intern registration, provided that the degree is awarded on or before June 30, 2012.

Fingerprint Submission: Effective June 19, 2009, 16 CCR Sections 1815 and 1886.4 were amended to require all licensees who have not previously submitted fingerprints to the Department of Justice (DOJ) to complete a state and federal level criminal offender record information search through the DOJ before renewal of their licenses. This amendment also allows the Board to take disciplinary action and to assess a fine not to exceed \$5,000 for failing to submit fingerprints.

Disciplinary Guidelines Revision: Effective July 3, 2009, 16 CCR Section 1888 was amended to update the Disciplinary Guidelines set forth by the Board. The Disciplinary Guidelines are utilized in a disciplinary action against a licensee under the Administrative Procedures Act.

Licensed Professional Clinical Counselors and Licensed Educational Psychologist Continuing Education Requirements: Effective May 24, 2011, 16 CCR Sections 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1816.8, 1819.1, 1820, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, Article 8 title, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888 were amended and Sections 1810.1, 1810.2, 1820.5, 1821, and 1822 were added to implement Senate Bill 788 Chapter 619, Statutes of 2009, which created a license for professional clinical counselors. Existing Board regulations were amended to incorporate the LPCC requirements with those of existing Board licensees, such as LMFTs and LEPs, and to make other clarifying and technical revisions. This action also sets forth CE requirements for LEPs and establishes a procedure for the Board to grant exceptions to those requirements. Additionally, this action changes the CE exception process for all licensees in order to bring regulations and the Board's forms into compliance with both the Americans with Disabilities Act and the California Fair Employment and Housing Act.

Pending Regulations

HIV/AIDS Continuing Education Course for LPCCs (CCR Section 1887.3) This proposal revises current Board regulations to include LPCCs in the requirement to take a one-time, seven hour continuing education course covering the assessment and treatment of people living with HIV/AIDS. The Board approved the proposed text at its February 23, 2011, meeting and directed staff to submit a regulation package to make the proposed change. This rulemaking will be submitted to the Office of Administrative Law (OAL) for initial notice by the end of this year.

Revision of Advertising Regulations (CCR Section 1811) This proposal revises the regulatory provisions related to advertising by Board licensees. The Board approved the proposed text at its August 18, 2011, Board meeting. This rulemaking will be submitted to OAL for initial notice by the end of this year.

Two-Year Practice Requirement for Supervisors of Associate Social Workers (ASWs) (CCR Sections 1870, 1874) This proposal requires supervisors of ASWs to be licensed for two years prior to commencing any supervision. This rulemaking will be submitted to OAL for initial notice by the end of this year.

Senate Bill 1111 Enforcement Regulations (CCR Sections 1803, 1845, 1858, 1881; Add Sections 1823, 1888.1) This proposal is part of an effort by DCA to allow healing arts boards to individually seek regulations to implement the provisions of Senate Bill 1111 and Senate Bill 544 (part of DCA's Consumer Protection Enforcement Initiative) that do not require statutory authority.

The intent of Senate Bill 1111, which failed passage in 2010, and Senate Bill 544, which is currently in the legislative process, is to provide healing arts boards under DCA with additional authority and resources to make the enforcement process more efficient. These regulations propose delegation of certain functions to the Executive Officer, required actions against registered sex offenders, and additional unprofessional conduct provisions to aid in the enforcement streamlining effort.

This proposal was approved by the Board at its meeting on August 18, 2011. This rulemaking will be submitted to OAL for initial notice by the end of this year.

Examination Restructure Regulations (Title 16, CCR Sections 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877, Add Section 1825) This proposal makes regulatory changes needed due to the restructuring of the Board's examination process for LMFTs, LCSWs, and LPCCs. This restructuring, outlined in Senate Bill 704, becomes effective January 1, 2013. This proposal also makes regulatory changes to be consistent with Senate Bill 274 (Chapter 148, Statutes of 2011), which deleted the annual license renewal requirement for LPCCs who obtained a license through the grand parenting process.

This proposal will be considered at the November 9, 2011 Board meeting.

Senate Bill 1441 Enforcement Regulations (Title 16, CCR Section 1888 and Disciplinary Guidelines) This proposal is a result of Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008), which required DCA to establish the Substance Abuse Coordination Committee (SACC). The SACC, comprised of the Executive Officers of the DCA's healing arts boards, was tasked with formulating uniform and specific standards in specified areas that each board would be required to use in dealing with substance abusing licensees. The goal of this process was to create consistent and uniform standards that healing arts boards would adopt through regulation, providing consumers more consistent protection from substance abusing licensees.

This proposal will be considered at the November 9, 2011 Board meeting.

Enforcement Regulations (CCR Section 1888 and Disciplinary Guidelines)

This proposal makes changes to the Disciplinary Guidelines, including technical changes due to statutory amendments, and procedural changes to the standard and optional terms and conditions of probation.

This proposal will be considered at the November 9, 2011 Board meeting.

Senate Bill 363 Regulations (Title 16, CCR Section 1833) Senate Bill 363 (Emmerson) changed a section of law which specifies the experience an MFT applicant needs prior to applying for licensure examinations. A conflict now exists between the revised law and Section 1833 of the Board's regulations. This regulation proposes amending Section 1833 to be consistent with the statutory changes made by Senate Bill 363.

This proposal will be considered at the November 9, 2011 Board meeting.

Exemptions for Sponsored Free Health Care Events (CCR Sections 1820, 1820.1, 1820.2, 1820.3) As a result of Assembly Bill 2699 (Bass, Chapter 270, Statutes of 2010), beginning January 1, 2011, health care practitioners licensed or certified in good standing in another state may be temporarily exempted from California licensing requirements under certain conditions. However, before this law can be implemented, regulations must be approved by each healing arts board under DCA which specify the methods of implementation.

DCA has drafted a model regulation package for each of its healing arts boards to use as a standardized framework and is currently in the process of making revisions to this framework. Staff will bring this proposal to the Board for consideration at the meeting tentatively scheduled for February 2012.

Major Studies

Describe any major studies conducted by the board.

2005 – Supervision Survey

To gain a better understanding of supervised experience and preparedness for licensure, staff developed and distributed a survey to MFT Interns and ASWs to obtain feedback on the applicant's supervision experience. The results of this survey indicated that overall those applicants rated their supervision experience and quality of supervision as good.

2006 – Demographic Survey

The Board conducted a voluntary and anonymous demographic survey of its active licensees and registrants. The Board mailed out approximately 64,000 demographic surveys and received 25,909 responses, which is a response rate of 40.48%. This was the Board's first effort at obtaining and analyzing demographic information about its licensee and registrant populations.

2006-2007 Marriage and Family Therapy Curriculum Review

The Board conducted an extensive review of the curriculum for Marriage and Family Therapy students and determined its appropriateness for current Marriage and Family Therapist practice. The result of this review was the introduction of Senate Bill 33 (Correa) in 2008, which revised the curriculum requirements for Marriage and Family Therapy programs. Senate Bill 33 was signed by Governor Schwarzenegger on August 6, 2009.

2008 - Tracking the MFT and LCSW Licensing Process

Board staff analyzed a substantial amount of data relating to the LCSW and LMFT licensing process. Board staff used a new reporting tool, available through the Department of Consumer Affairs, to access and organize various data components such as registration dates, examination dates, examination attempts, and initial licensure dates for all 2002, 2003, and 2004 graduates who registered with the Board. The analysis provided insight related to the average number of examination attempts until initial licensure as well as the average time an individual is in the examination process.

2008-2010 Examination Program Review

The Board conducted a holistic review of the Board's examination programs and evaluated the issues regarding the exams. The review resulted in a legislative proposal to implement a re-structure of the Board's examination process for LMFTs and LCSWs. Applicants for LMFT and LCSW licensure would be required to pass two examinations. Licensure candidates would be required to complete a California law and ethics examination during the registration period and a clinical examination once all supervised hours are completed. This legislation, Senate Bill 704 (Negrete McLeod), was introduced in 2011 and signed by Governor Brown on September 30, 2011. The restructure of the examination process goes into effect January 1, 2013.

Additionally, the Board conducted an audit of the national examination for LCSWs and LPCCs. The purpose of the audit was to assess each examination for use in California as a licensure examination. The audit resulted in the recommendation to use a national examination for licensure as a California LCSW and LPCC. The Board is moving forward to implement the recommendation.

Occupational Analysis

An occupational analysis (survey) is a required component in the examination development process. Professional guidelines and testing standards recommend conducting an occupational analysis every five to seven years. This survey of licensees is conducted to determine the current practice of the profession. The survey becomes the foundation for the examination plan which is utilized to develop the licensure examination for the professions. The Board conducted the following occupational analyses since the last Sunset Review.

- 2006 – Marriage and Family Therapists
- 2009 – Licensed Education Psychologists
- 2010 – Licensed Clinical Social Workers

National Association Activity

List the status of all national associations to which the board belongs.

The Board is a current member of the Association of Marriage and Family Therapy Regulatory Board and the American Association of State Counseling Boards. The Board's membership in each of these associations includes voting privileges.

Additionally, the Board is a current member of the Council on Licensure, Enforcement, and Regulation. This membership does not include any voting privileges. Rather, it provides resources and information relating to regulatory agencies and licensure examinations.

To date, the Board has not participated in any committees, workshops, working groups, or task forces related to its membership in these national associations. In 2012, the Board will collaborate with the Association of Marriage and Family Therapy Regulatory Board to conduct an occupational analysis of the practice of Marriage and Family Therapy.

The current constraints associated with California's ongoing budget shortfalls have limited the Board's ability to travel. Board attendance at association meetings since the 2004 Sunset Review is noted below.

- 2006 Association of Marriage and Family Therapy Regulatory Board and Council on Licensure, Enforcement, and Regulation meeting in Alexandria, Virginia. (one representative)
- 2007 Association of Marriage and Family Therapy Regulatory Board and Council on Licensure, Enforcement, and Regulation meeting in Atlanta, Georgia. (one representative)
- 2007 Association of Social Work Boards Spring Education meeting in Mobile, Alabama. (one representative)
- 2007 American Association of Marriage and Family Therapist meeting in Long Beach, California. (two representatives)
- 2009 Association of Marriage and Family Therapy Regulatory Board and Council on Licensure, Enforcement, and Regulation meeting in Denver, Colorado. (one representative)
- 2010 American Association of State Counseling Boards meeting in San Diego, California. (one representative)

If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

In 2011, the Board voted to use the National Clinical Mental Health Counseling Examination (NCMHCE) for licensure as a Licensed Professional Clinical Counselor in California. The examination is developed and administered by the National Board for Certified Counselors (NBCC) which is located in North Carolina.

Section 3 – Fiscal and Staff

Fiscal Issues

Describe the board's current reserve level, spending, and if a statutory reserve level exists.

The Board ended FY 2010/2011 with a reserve balance of \$448,700, which equates to 6.9 months in reserve. The Board estimates FY 2011/2012 reserve balance to be approximately \$120,900, equaling 1.7 months in reserve. The drastic decrease is a direct result of the \$3.3 million loan to the General Fund in FY 2011/2012, revenue lost as a result of implementing a retired license status (Assembly Bill 2191, Chapter 548, Statutes of 2010), and the Departmental BreEZe Budget Change Proposal (See Section 9 for more information on the BreEZe Project).

In FY 2010/2011, the Board reverted \$1,063,586, due to spending \$6,927,523 of its \$7,991,109 budget. The Board's statutory reserve fund limit is 24 months.¹

Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Annually, the Board assesses its operational needs and current staffing resources. In the last four years, the Board has had some success in obtaining the resources sought through the BCP process. The chart below reflects the Board's BCP requests and outcomes.

Table 2. Budget Change Proposals								
BCP ID#	FY	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested include classification	# Staff Approved include classification	Funds Requested	Funds Approved	Funds Requested	Funds Approved
#1110-03	11/12	Special fund budget augmentation to implement SB 788	7 Total MST (1), OT (5), OA (1)	0	\$370,000	\$0	\$95,000	\$0
#1110-04	11/12	Special fund budget augmentation in the Board's Enforcement Unit (Probation Coordinator)	1- AGPA	0	\$81,000	\$0	\$14,000	\$0
#1110-06	10/11	Request a redirection of funds to establish a 0.5 PY in the Board's Licensing Program	0.5 - SSA	0.5 - SSA	\$0	n/a	\$31,000 (redirection from OE&E)	(\$29,413) (funds redirected to Personal Services budget)

¹ Business & Professions Code Section 128.5

