The California
Board of Behavioral Sciences

2011 Sunset Review Report

Presented to the California Legislature
Senate Committee on Business, Professions and Economic Development

November 1, 2011

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California
Board of Behavioral Sciences

Board Members

Dr. Christine Wietlisbach, Chair, Public Member
Patricia Lock-Dawson, Vice Chair, Public Member
Renee Lonner, LCSW Member
Samara Ashley, Public Member
Dr. Harry Douglas, Public Member
Dr. Julia 'Judy' Johnson, LEP Member
Sarita Kohli, MFT Member
Karen Pines, MFT Member
Christina Wong, LCSW Member

Executive Officer
Kim Madsen

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Table of Contents

Background and Description of the Board and Regulated Profession 1
History and Function of the Board 1
Board Committees 2
Board Member Meeting and Committee Attendance 3
Previous Board Members 8
Board Member and Committee Roster 26
Major Changes since the Last Sunset Review 27
Legislative Activity 28
Regulation Activity 34
Major Studies 38
National Association Activity 39
Performance Measures and Customer Satisfaction Surveys 41
Quarterly and Annual Performance 41
Customer Satisfaction Survey 41
Fiscal and Staff 43
Fiscal Issues 43
Staffing Issues 49
Organizational Charts 50
Licensing Program 51
Performance Measures 51
Application and Licensure Processing Times 52
Applicant Information Verification and Requirements 54
Out-of-State Applicant Requirements 55
Continuing Education/Competency Requirements 57
Examinations 62
School approvals 63
Enforcement Program 65
Enforcement Performance Measures 65
Enforcement Statistics and Process Improvement 66
Case Prioritization. Mandatory Reporting, and Statutes of Limitation 70
Citation and Fine 72
Cost Recovery and Restitution 74
Public Information Policies 76
Online Practice Issues 78
Workforce Development and Job Creation 79
Current Issues 82
Board Action and Response to Prior Sunset Issues 84
New Issues 88

Attachments 91
A. Board's administrative manual 91
B. Board and Committee Member Organizational Chart 91
C. Major studies 91
D. Year-end organizational charts 91
E. Board's records retention schedule. 91
F. Performance Measures 92

Board of Behavioral Sciences
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of November 1, 2011

Section 1 – Background and Description of the Board and Regulated Profession

History and Function of the Board

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The Board of Behavioral Sciences (Board) is one of the forty regulatory entities within the Department of Consumers Affairs (DCA). The Board licenses and regulates Licensed Clinical Social Workers (LCSW), Licensed Marriage and Family Therapists (LMFT), Licensed Educational Psychologists (LEP), and Licensed Professional Clinical Counselors (LPCC). Additionally, the Board registers Associate Social Workers (ASW), Marriage and Family Therapist Interns (MFT Interns), Professional Clinical Counselor Interns (PCC Interns), and Continuing Education Provider.

The Board's mission is to protect Californians by promoting consumer awareness, advocating for improved mental health services, and setting, communicating, and enforcing standards. In order to accomplish its mission, the Board develops and administers licensure examinations; investigates consumer complaints and criminal convictions; responds to emerging changes and trends in the mental health profession legislatively or through regulations; and creates publications for consumers, students, and licensees.

The Board's statutes and regulations require a license before an individual may engage in the practice of Licensed Clinical Social Work, Licensed Marriage and Family Therapy, Licensed Educational Psychology, and Licensed Professional Clinical Counseling. These statutes and regulations set forth the requirements for registration and licensure and provide the Board the authority to discipline a registration or license.

Legislation signed on July 18, 1945, by Governor Earl Warren created the Board of Social Work Examiners under the Department of Professional and Vocational Standards (renamed the Department of Consumer Affairs in 1970). California became the first state to register social workers. The first board members were comprised of seven members: two "lay persons" and four social workers. All the members were appointed by the Governor.

During the first 16 months of its existence, the Board registered 4,098 social workers. The intent of certification was to identify competent professionals who were working for higher standards and services to the public.

A 1962 California State Assembly investigation regarding the fraudulent practice of marriage counseling contributed to the 1963 creation of the Marriage, Family, and Child Counselor Act. Under this Act, the Board of Social Work Examiners received the responsibility of licensing and regulating Marriage, Family, and Child Counselors. Soon after the addition of Marriage, Family, and Child Counselors, the Board of Social Work Examiners was renamed the Social Worker and Marriage Counselor Qualifications Board.

After 1969, anyone who wanted to practice clinical social work was required to hold a license. The addition of Licensed Educational Psychologists in 1970 to the Board's regulatory responsibilities inspired a new name, the Board of Behavioral Sciences Examiners. In 1997, the Board of Behavioral Sciences Examiners was officially changed to its present name, the Board of Behavioral Sciences.

Effective January 1, 2010, a fourth mental health profession, Licensed Professional Clinical Counselor, was added to the Board's jurisdiction. Today, the Board is responsible for the regulatory oversight of nearly 77,000 licensees. Current law provides for twelve board members; five licensees and seven public members. Ten members are appointed by the Governor, one public member is appointed by the Speaker of the Assembly, and one public member is appointed by the Senate Rules Committee. In 2012, a LPCC member appointed by the Governor will be added, increasing the board composition to thirteen members.

Board Committees

Describe the make-up and functions of each of the board's committees.

The Board currently has three committees; the Policy and Advocacy Committee, the Licensing and Examination Committee, and the Compliance and Enforcement Committee.

The Policy and Advocacy Committee is comprised of three board members. The work of the committee is focused on proposed legislation, legislative changes, proposed regulations, and regulatory changes that respond to emerging trends or concerns in the mental health profession that may affect the Board's licensees and registrants.

The Licensing and Examination Committee consists of three board members. This committee discusses issues and concerns related to the Board's statutory requirements for applicants to enter the examination cycle, requirements for licensure, as well as the examination process. The Committee also reviews the Board's licensing and examination statistical data.

The Compliance and Enforcement Committee has three board members. This Committee reviews all statistical data related to the enforcement process. The Committee discusses topics related to consumer protection and enforcement process improvements.

The current committee structure provides multiple opportunities for consumers, licensees, registrants, professional organizations, and educational institutions to actively participate and comment about topics before the Board. All Committee recommendations are presented to the Board for consideration.

Board Member Meeting and Committee Attendance

Table 1a. Attendance

Current Members

Dr. Christine Wietlisbach, Public Member, Chair			
Date Appointed: Date Reappointed: Term Expires:	February 4, 2010 June 2011 June 1, 2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	Y
	March 24	Sacramento	Y
	February 23-24	Sacramento	N
	January 13	Irvine	N
Policy & Advocacy Committee 2011	July 21	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	N
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
Licensing & Examination Committee 2010	September 13	Sacramento	Y
	June 14	Sacramento	Y
	April 12	San Francisco	Y

Christina Wong, LCSW Professional Member			
Date Appointed: Term Expires	May 18, 2011 June 1, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	Y

Karen Pines, LMFT Professional Member			
Date Appointed: Term Expires:	April 5, 2011 June 1, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	N

Samara Ashley, Public Member			
Date Appointed: Term Expires:	January 21, 2010 June 1, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August. 17-18	Sacramento	N
	May 18-19	Sacramento	Y
	March 24	Teleconference	Y
	February 23-24	San Diego	Y
	January 13	Irvine	Y
Compliance & Enforcement Committee 2011	March 24	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 6-7	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Compliance & Enforcement Committee 2010	June 25	Teleconference	Y
Policy & Advocacy Committee 2010	June 7	San Francisco	N
	April 9	San Francisco	N
	March 22	Sacramento	N

Patricia Lock-Dawson, Public Member, Vice Chair			
Date Appointed: Term Expires:	January 13, 2010 June 1, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	N
	March 24	Sacramento	Y
	February 23-24	Sacramento	Y
	January 13	Irvine	Y
Compliance & Enforcement Committee 2011	March 24	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	N
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Compliance & Enforcement Committee 2010	June 25	Teleconference	Y
	March 25	Sacramento	Y

Dr. Harry Douglas III, Public Member			
Date Appointed: Date Reappointed: Term Expires:	May 14, 2009 July 11, 2011 June 1, 2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	Y
	March 24	Sacramento	Y
	February 23-24	San Diego	Y
	January 23	Irvine	Y
Compliance & Enforcement Committee 2011	March 24	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	N
	July 28	Sacramento	N
	June 28	Teleconference	N
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Compliance & Enforcement Committee 2010	June 25	Teleconference	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	Y

Sarita Kohli, LMFT Professional Member			
Date Appointed: Term Expires:	June 11, 2011 June 1, 2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board 2011 Meetings	August 17-18	Sacramento	Y

Renee Lonner, LCSW Professional Member			
Date Appointed: Date Reappointed: Term Expires:	January 17, 2007 June 6, 2010 June 1, 2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	Y
	May 18-19	Sacramento	Y
	March 24	Sacramento	N
	February 23-24	Sacramento	Y
	January 13	Irvine	Y
Policy & Advocacy Committee 2011	July 21	Sacramento	Y
	April 7	Sacramento	Y
	January 13	Irvine	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Policy & Advocacy Committee 2010	October 12	Sacramento	Y
	June 7	San Francisco	Y
	April 9	San Francisco	Y
	March 22	Sacramento	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	N
	February 26-27	West Sacramento	Y
Examination Program Review Committee 2009	December 7	Los Angeles	Y
	October 5	Sacramento	N
LCSW Education Committee 2009	June 8	San Diego	Y
Policy & Advocacy Committee 2009	January 16	Oakland	Y
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
LCSW Education Committee 2008	December 8	San Diego	Y
	October 27	Burlingame	Y
	June 23	Long Beach	Y
	May 5	Sacramento	Y
Policy & Advocacy Committee 2008	October 10	Pasadena / Teleconference	Y
	July 11	Emeryville	Y
	April 11	Encino	Y
	January 18	Sacramento	Y
Board Meetings 2007	November 8-9	Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Policy & Advocacy Committee 2007	October 5	Oakland	Y
	July 13	Burbank	Y
Consumer Protection Committee 2007	April 11	Costa Mesa	Y

Dr. Julia Johnson, LEP Professional Member			
Date Appointed: Date Reappointed: Term Expires:	August 24, 2005 July 15, 2008 June 1, 2012		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	August 17-18	Sacramento	N
	May 18-19	Sacramento	Y
	March 24	Sacramento	Y
	February 23-24	Sacramento	Y
	January 13	Irvine	Y
Policy & Advocacy Committee 2011	July 21	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	N
	September 9	Teleconference	Y
	September 1	Teleconference	N
	July 28	Sacramento	Y
	June 28	Teleconference	N
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	Y
	February 26-27	West Sacramento	N
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
Consumer Protection Committee 2008	February 21	Anaheim	Y
Planning Committee 2008	February 21	Anaheim	Y
Board Meetings 2007	November 8-9	Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Planning Committee 2007	October 24	Sacramento	Y
Consumer Protection Committee 2007	October 5	Oakland	Y
	July 20	Sacramento	Y
	April 11	Costa Mesa	Y
	January 10	Sacramento	Y
Board Meetings 2006	November 16-17	San Francisco	N
	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Consumer Protection Committee 2006	September 20	Costa Mesa	Y
	April 17	Los Angeles	Y
	January 17	Los Angeles	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y

Previous Board Members

Janice Cone, LCSW Professional Member			
Date Appointed: Not Confirmed; Term Expired:	March 24, 2010 March 24, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	February 23-24	San Diego	Y
	January 13	Irvine	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 6-7	Irvine	Y
Licensing & Examination Committee 2010	September 13	Sacramento	N
	June 14	Sacramento	Y
	April 12	Sacramento	Y

Mona Foster, Public Member			
Date Appointed: Not Confirmed; Term Expired:	January 14, 2010 January 14, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	January 13	Irvine	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	N
	July 28	Sacramento	Y
	June 28	Teleconference	N
	May 5-6	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Licensing & Examination Committee 2010	September 13	Sacramento	Y

Michael Webb, LMFT Professional Member			
Date Appointed: Not Confirmed; Term Expired:	January 22, 2010 January 22, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	January 13	Irvine	Y
Policy & Advocacy Committee 2011	January 13	Irvine	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 6-7	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Policy & Advocacy Committee 2010	October 12	Sacramento	Y
	June 7	San Francisco	Y
	April 9	San Francisco	Y
	March 22	Sacramento	Y
Compliance & Enforcement Committee 2010	March 25	Sacramento	Y

Karen Roye, Public Member			
Date Appointed: Term Expired:	September 18, 2006 June 1, 2009		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2009	May 21-22	Riverside	N
	Feb. 26-27	West Sacramento	Y
Policy and Advocacy Committee 2009	April 10	West Sacramento	Y
	January 16	Oakland	Y
Board Meetings 2008	December 19	Teleconference	N
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
Policy & Advocacy Committee 2008	October 10	Pasadena / Teleconference	Y
	July 11	Emeryville	N
	April 11	Encino	Y
	January 18	Sacramento	Y
Board Meetings 2007	November 8-9	Fresno	N
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y/N
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Policy & Advocacy Committee 2007	October 5	Oakland	Y
	July 13	Burbank	Y
	April 4	Sacramento	Y
	January 3	Burbank	N
Board Meetings 2006	November 16-17	San Francisco	Y

Elise Froistad, LMFT Professional Member			
Date Appointed: Date Reappointed Not Confirmed; Term Expired:	May 24, 2007 July 19, 2010 May 24, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	May 18-19	Sacramento	Y
	March 24	Sacramento	Y
	February 23-24	Sacramento	Y
	January 13	Irvine	Y
Licensing and Examination Committee 2011	March 24	Sacramento	Y
Board Meetings 2010	November 4-5	Sacramento	Y/N
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	N
	June 28	Teleconference	Y
	May 5-6	Irvine	Y
	February 16	Teleconference	N
	January 23	Sacramento	Y
Licensing and Examination Committee 2010	September 13	Sacramento	Y
	June 14	Sacramento	Y
	April 12	Sacramento	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	Y/N
	February 26-27	West Sacramento	Y
Examination Program Review Committee 2009	December 7	Los Angeles	Y
	October 5	Sacramento	Y
	May 4	San Jose	Y
	March 23	Irvine	N
	February 2	West Sacramento	Y
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
Consumer Protection Committee 2008	February 21	Anaheim	Y
Examination Program Review Committee 2008	December 8	San Diego	Y
Board Meetings 2007	November 8-9	Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
Consumer Protection Committee 2007	October 5	Oakland	N
	July 20	Sacramento	Y

D'Karla Leach, Public Member			
Date Appointed: Term Expired:	September 27, 2006 June 1, 2009		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2009	May 21-22	Riverside	N/Y
	February 26-27	West Sacramento	N
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	N
Board Meetings 2007	November 8-9	Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	N
	February 15-16	Riverside	N
Planning Committee 2007	October 24	Sacramento	Y
Communications Committee 2007	January 10	Sacramento	Y
Board Meetings 2006	Nov.16-17	San Francisco	Y/N

Rita Cameron Wedding, Public Member			
Date Appointed: Date Resigned:	September 2007 (Oath signed May 24, 2008) August 6, 2009		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2009	May 21-22	Riverside	N
	February 26-27	West Sacramento	N
Board Meetings 2008	December 19	Teleconference	N
	November 18	Los Angeles	N
	October 10	Pasadena / Teleconference	N
	May 29-30	Sacramento	N
	February 21-22	Anaheim	N
Board Meetings 2007	November 8-9	Fresno	N

Victor Perez, Public Member			
Date Appointed: Term Expired:	November 3, 2006 June 1, 2010		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2010	May 6-7	Irvine	Y
	February 16	Teleconference	N
	January 23	Sacramento	Y
Compliance & Enforcement Committee 2010	March 25	Sacramento	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	Y
	February 26-27	West Sacramento	N
Board Meetings 2008	December 19	Teleconference	N
	November 18	Los Angeles	N
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
Consumer Protection Committee 2008	February 21	Anaheim	Y
Board Meetings 2007	November 8-9	Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	N
	February 15-16	Riverside	Y
Consumer Protection Committee 2007	October 5	Oakland	Y
	July 20	Sacramento	N
Communications Committee 2007	January 10	Sacramento	Y
Policy & Advocacy Committee 2007	January 3	Burbank	N
Board Meetings 2006	November 16-17	San Francisco	Y

Joan Walmsley, LCSW Professional Member			
Date Appointed: Term Expired:	November 11, 2005 June 1, 2009		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2009	May 21-22	Riverside	Y
	Feb. 26-27	West Sacramento	Y
Examination Program Review Committee 2009	December 7	Los Angeles	N
	October 5	Sacramento	N
	May 4	San Jose	Y
	March 23	Irvine	N
	February 2	West Sacramento	N
Board Meetings 2008	December 19	Teleconference	N
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y/N
	February 21-22	Anaheim	Y
Consumer Protection Committee 2008	February 21	Anaheim	Y
LCSW Education Committee 2008	December 8	San Diego	N
	October 27	Burlingame	Y
	June 23	Long Beach	N
	May 5	Sacramento	Y
Examination Program Review Committee 2008	December 8	Sacramento	N
Board Meetings 2007	November 8-9	Fresno	N
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Consumer Protection Committee 2007	October 5	Oakland	N
	July 20	Sacramento	N
	April 11	Costa Mesa	Y
	January 10	Sacramento	Y
Communications Committee 2007	January 10	Sacramento	Y
Board Meetings 2006	November 16-17	San Francisco	Y
	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Policy & Advocacy Committee 2006	September 27	Sacramento	Y
Communications Committee 2006	June 28	Los Angeles	Y
	March 29	Costa Mesa	Y
	January 20	Los Angeles	Y
Consumer Protection Committee 2006	September 20	Costa Mesa	Y

Jane Nathanson, LMFT Professional Member			
Date Appointed: Date Resigned:	May 2002 January 26, 2005		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2004	November 18-19	San Jose	N
	October 6	Sacramento	N
	September 13	Teleconference	Y
	August 19	El Segundo	N
	June 21	Teleconference	Y
	May 20-21	San Diego	Y
	April 15	Teleconference	Y
	February 19-20	Sacramento	N
	January 7	Teleconference	Y
Examination Committee 2004	November 18	San Jose	N
	August 19	El Segundo	N
	May 20	San Diego	Y
Licensing Committee 2004	November 18	San Jose	N
	August 19	El Segundo	N
	May 20	San Diego	Y
	February 20	Sacramento	N
Consumer Services/Consumer Protection Committee 2004	February 19	Sacramento	N

Mark Burdick, LEP Professional Member			
Date Appointed: Term Expired:	December 18, 2000 June 1, 2004		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2004	May 20-21	San Diego	Y
	April 15	Teleconference	Y
	February 19-20	Sacramento	Y
	January 7	Teleconference	N
Licensing Committee 2004	May 20	San Diego	Y
	February 20	Sacramento	Y
Education Committee 2004	May 20	San Diego	Y

Ian Russ, LMFT Professional Member			
Date Appointed: Term Expired:	September 19, 2005 June 1, 2009		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2009	May 21-22	Riverside	Y
	February 26-27	West Sacramento	Y
Policy and Advocacy Committee 2009	April 10	West Sacramento	Y
	January 16	Oakland	Y
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	Y
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
Policy & Advocacy Committee 2008	October 10	Pasadena / Teleconference	Y
	July 11	Emeryville	Y
	April 11	Encino	Y
	January 18	Sacramento	Y
Consumer Protection Committee 2008	February 21	Anaheim	Y
Planning Committee 2008	February 21	Anaheim	Y
MFT Education Committee 2008	February 21	Anaheim	Y
Board Meetings 2007		Fresno	Y
	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Policy & Advocacy Committee 2007	October 5	Oakland	Y
	July 13	Burbank	Y
	April 4	Sacramento	Y
	January 3	Burbank	Y
		Irvine	Y
	September 28	San Diego	Y
		Sacramento	Y
		San Francisco	Y
Consumer Protection Committee 2007	October 5	Oakland	Y
Board Meetings 2006		San Francisco	Y
	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Policy & Advocacy Committee 2006	September 27	Sacramento	N
	June 28	Los Angeles	Y
	April 19	Sacramento	Y
	January 20	Los Angeles	Y
MFT Education Committee 2006		Encino	Y
		Burlingame	Y
	July 21	Burbank	Y
Board Meetings 2005	November 17-18	San Francisco	Y

Glynis Morrow, Public Member			
Date Appointed: Term Expired:	September 2001 June 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
Consumer Services/Consumer Protection Committee 2005	May 20	Sacramento	N
	February 18	San Diego	Y
Education 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
	January 7	Teleconference	N
Consumer Services/Consumer Protection Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
Education Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y

Gordonna DiGiorgio, Public Member			
Date Appointed: Date Reappointed: Term Expired:	September 19, 2005 July 11, 2007 June 1, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2011	May 18-19	Sacramento	Y
	February 23-24	San Diego	Y
	January 13	Irvine	Y
Policy & Advocacy Committee 2011	April 7	Sacramento	Y
	January 13	Irvine	Y
Board Meetings 2010	November 4-5	Sacramento	Y
	September 9	Teleconference	Y
	September 1	Teleconference	Y
	July 28	Sacramento	Y
	June 28	Teleconference	Y
	May 6-7	Irvine	Y
	February 16	Teleconference	Y
	January 23	Sacramento	Y
Policy & Advocacy Committee 2010	October 12	Sacramento	Y
	June 7	San Francisco	Y
	April 9	San Francisco	Y
	March 22	Sacramento	Y
Board Meetings 2009	December 7	Teleconference	Y
	October 10	Los Angeles	Y
	May 21-22	Riverside	Y
	February 26-27	West Sacramento	Y
LCSW Education Committee 2009	June 8	San Diego	Y
Policy & Advocacy Committee 2009	January 16	Oakland	Y
	April 10	West Sacramento	Y
Board Meetings 2008	December 19	Teleconference	Y
	November 18	Los Angeles	N
	October 10	Pasadena / Teleconference	Y
	May 29-30	Sacramento	Y
	February 21-22	Anaheim	Y
LCSW Education Committee 2008	December 8	San Diego	N
	October 27	Burlingame	N
	June 23	Long Beach	Y
	May 5	Sacramento	Y
MFT Education Committee 2008	February 21	Anaheim	Y

Gordonna DiGiorgio, Public Member			
Date Appointed: Date Reappointed: Term Expired:	September 19, 2005 July 11, 2007 June 1, 2011		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Policy & Advocacy Committee 2008	October 10	Pasadena / Teleconference	Y
	July 11	Emeryville	Y
	April 11	Encino	Y
	January 18	Sacramento	Y
Board Meetings 2007	November 8-9	Fresno	N
	August 30-31	San Diego	Y
	April 20	Teleconference	Y
	May 31-June 1	Sacramento	Y
	February 15-16	Riverside	Y
Policy & Advocacy Committee 2007	October 5	Oakland	Y
	July 13	Burbank	Y
	April 4	Sacramento	Y
	January 3	Burbank	Y
MFT Education Committee 2007	December 7	Irvine	Y
	September 28	San Diego	Y
	June 15	Sacramento	Y
	March 9	San Francisco	Y
Board Meetings 2006	November 16-17	San Francisco	Y
	July 27	San Diego	Y
	November 16-17	San Francisco	Y
	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
MFT Education Committee 2006	December 8	Encino	Y
	October 27	Burlingame	Y
	July 21	Burbank	Y
Budget & Efficiency Committee 2006	June 21	Sacramento	Y
	April 1	Los Angeles	Y
	January 27	Sacramento	Y
Policy & Advocacy Committee 2006	September 27	Sacramento	Y
Board Meetings 2005	November 17-18	San Francisco	Y
Board Meetings 2006	November 16-17	San Francisco	N
	July 27	San Diego	Y
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Consumer Protection Committee 2006	September 20	Costa Mesa	Y
	April 17	Los Angeles	Y
	January 17	Los Angeles	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y

Victor Law, Public Member			
Date Appointed: Term Expired: Grace Period Ended:	November 1, 2003 June 1, 2007 June 2, 2008		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2008	May 29-30	Sacramento	N
	February 21-22	Anaheim	N
Board Meetings 2007	November 8-9	Fresno	N
	August 30-31	San Diego	N
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Communications Committee 2007	January 10	Sacramento	Y
Board Meetings 2006	November 16-17	San Francisco	Y
	July 27	San Diego	Y
	May 18-19	Sacramento	Y/N
	February 16	Costa Mesa	Y
	January 27	Sacramento	Y
Budget & Efficiency Committee 2006	June 21	Sacramento	Y
	April 17	Los Angeles	Y
	January 27	Sacramento	Y
Policy & Advocacy Committee 2006	September 27	Sacramento	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y
	August 11	Los Angeles	N
	July 28	Los Angeles	Y
	May 19-20	Sacramento	Y
	April 26	Sacramento	Y
	February 17-18	San Diego	Y
Education Committee 2005	August 11	Los Angeles	N
	May 20	Sacramento	Y
	February 18	San Diego	Y
Examination Committee 2005	August 11	Los Angeles	N
	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
	January 7	Teleconference	Y
Education Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
Examination Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y

Howard Stein, Public Member			
Date Appointed: Term Expired:	May 28, 2003 June 1, 2007		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Board Meetings 2007	August 30-31	San Diego	Y
	May 31-June 1	Sacramento	Y
	April 20	Teleconference	Y
	February 15-16	Riverside	Y
Consumer Protection Committee 2007	July 20	Sacramento	Y
	April 11	Costa Mesa	Y
	January 10	Sacramento	Y
Board Meetings 2006	November 16-17	San Francisco	Y
	July 27	San Diego	N
	May 18-19	Sacramento	Y
	February 16	Costa Mesa	Y
	January 27	Sacramento	N
Consumer Protection Committee 2006	September 20	Costa Mesa	Y
	April 17	Los Angeles	Y
	January 17	Los Angeles	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y
	August 11	Los Angeles	Y
	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	August 11	Los Angeles	Y
	May 20	Sacramento	Y
	February 18	San Diego	Y
Examination Committee 2005	August 11	Los Angeles	Y
	May 20	Sacramento	Y
	February 18	San Diego	Y
Board Meetings 2004	November 18-19	San Jose	Y
	October 6	Sacramento	N
	September 13	Teleconference	N
	August 19	El Segundo	Y
	June 21	Teleconference	N
	May 20-21	San Diego	Y
	April 15	Teleconference	Y
	February 19-20	Sacramento	Y
	January 7	Teleconference	Y
Consumer Services/Consumer Protection Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
Examination Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y

Robert Gerst, Public Member			
Date Appointed: Term Expired: Grace Period Expired:	March 11, 2003 June 1, 2006 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	N
	January 20	Los Angeles	Y
Consumer Protection Committee 2006	April 17	Los Angeles	Y
	January 17	Los Angeles	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y
	August 11	Los Angeles	Y
	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	August 11	Los Angeles	Y
	May 20	Sacramento	Y
	February 18	San Diego	Y
Licensing Committee 2005	August 11	Los Angeles	Y
	May 20	Sacramento	Y
	February 18	San Diego	Y
Board Meetings 2004	Nov. 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
	January 7	Teleconference	Y
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
AdHoc Disciplinary Guidelines Committee 2004	May 20	San Diego	Y
	February 19	Sacramento	Y
	January 7	Sacramento	Y

Karen Pines, LMFT Professional Member			
Date Appointed: Term Expired: Grace Period Expired:	July 24, 2002 June 1, 2006 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	N
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
MFT Education Committee 2006	December 8	Encino	Y
	October 27	Burlingame	Y
	July 21	Burbank	Y
Board Meetings 2005	Nov. 17-18	San Francisco	Y
	August 11	Los Angeles	Y
	July 28	Los Angeles	Y
	May 19-20	Sacramento	N
	April 26	Sacramento	Y
	February 17-18	San Diego	Y
Consumer Services/Consumer Protection Committee 2005	August 11	Los Angeles	Y
	May 20	Sacramento	N
	February 18	San Diego	N
Examination Committee 2005	August 11	Los Angeles	Y
	May 20	Sacramento	N
	February 18	San Diego	N
Board Meetings 2004	November 18-19	San Jose	Y
	October 6	Sacramento	Y
	September 13	Teleconference	Y
	August 19	El Segundo	N
	June 21	Teleconference	N
	May 20-21	San Diego	N/Y
	April 15	Teleconference	Y
	February 19-20	Sacramento	Y/N
	January 7	Teleconference	Y
Consumer Services/Consumer Protection Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	N
	May 20	San Diego	N
	February 19	Sacramento	Y
Examination Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	N
	May 20	San Diego	N

Susan Ulevitch, LCSW Professional Member			
Date Appointed: Term Expired: Grace Period Expired:	September 2001 June 1, 2005 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
		Teleconference	Y
	May 20-21	San Diego	N
	April 15	Teleconference	N
	February 19-20	Sacramento	Y
	January 7	Teleconference	Y
Education Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
Licensing Committee 2004		San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	N
	February 20	Sacramento	Y

Peter Manoleas, LCSW Professional Member			
Date Appointed: Term Expired: Grace Period Expired:	June 2, 2002 June 1, 2006 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
	February 17-18	San Diego	Y
Education Committee 2005	August 11	Los Angeles	Y
	May 20	Sacramento	Y
	February 18	San Diego	Y
Examination Committee 2005	August 11	Los Angeles	Y
	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
	January 7	Teleconference	Y
Education Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	Y
Examination Committee 2004	November 18	San Jose	Y
	August 19	El Segundo	Y
	May 20	San Diego	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: Term Expired: Grace Period Expired:	May 2002 June 1, 2005 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
	January 7	Teleconference	Y
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 (Figueroa, 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, 18.16.6, 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.

The Board conducted an assessment of the NCMHCE. The purpose of the assessment was to ensure the examination met professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing* and the Department of Consumer Affairs *Examination Validation Policy.* The Board's assessment determined the examination meets the prevailing standards for validation and use of the examination for licensure in California.

LPCC examination candidates submit their applications to the Board for approval. Once the Board determines the candidate has satisfied all of the requirements for examination eligibility, the candidate's information is submitted to the NBCC. Examination candidates follow procedures established by the NBCC to schedule their examination. This computer based test is administered at testing centers located throughout the United States.

The agreement between the Board and the NBCC includes the following provisions to ensure the NCMHCE is current with California LPCC practice and meets national and California testing standards.

- California LPCCs will be involved in future occupational analysis and examination development process.
- The Board and/or its psychometric vendor may audit the NCMHCE program every five to seven years.
- Upon notification of any potential or actual adjustments of the national passing score by another state, the Board may voice its concerns and adapt, as necessary.
- The Board and/or its designated examination expert may conduct site visits of testing centers on an annual basis.
- Detailed content outlines of the examination will be provided to candidates for the examination.
- Pass/fail rates will be provided to the Board on a monthly basis.
- Detailed statistics such as number of attempts and pass/fail rates by school.
- Ensure compliance with the American Disabilities Act by providing special testing accommodations, approved by the Board, to examination candidates.

Section 2 – Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance

Provide each quarterly and annual performance measure report as published on the DCA website. Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board's quarterly and annual performance measures as published on the DCA Web site are located in Section 12 F.

Customer Satisfaction Survey

General Customer Satisfaction Survey Fiscal Year (FY) 07/08* - 10/11					
During the past 12 months, how often have you contacted the BBS?	**Answer Options**	**Response Count**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	6 or more times	10	78	112	74
	1 - 5 times	93	610	647	489
	Total Respondents	106	820	735	601
Please rate the following:	**Answer Options**	**Rating Average** (1=Unacceptable, 5=Excellent)			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	BBS Staff Courtesy	4.1	4.1	3.9	3.8
	BBS Staff Accessibility	3.4	3.5	3.2	2.7
	Overall Satisfaction	3.6	3.6	3.4	3.0
Did you receive the service/assistance you needed as a result of your contact?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	68%	70%	65%	54%
Do you find the BBS' Web site useful?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	85%	83%	80%	72%
Do you receive the BBS' newsletter?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	47%	33%	26%	26%
Do you find the newsletter helpful and informative?		**Response Percent**			
		FY 07/08	**FY 08/09**	**FY 09/10**	**FY 10/11**
	Yes	72%	68%	58%	52%

The first survey conducted by the Board was in April 2008.

Discussion of customer satisfaction survey data

The Board began using a customer satisfaction survey in April 2008. Therefore, the fiscal year 2007/08 survey data reflects responses since that time. All other fiscal years represent responses for a full fiscal year. Customer satisfaction surveys were not conducted prior to April 2008.

The number of attempts to contact the Board declined over the last three fiscal years. This decline may be attributed to the Board's redesign of its Web site in 2007. The redesign improved the navigation and layout of the site and provided information for consumers, licensees, and applicants more efficiently. Another contributing factor may be an increase in the number of individuals that use the Internet, especially as a primary source of information.

The overall satisfaction rating with the services provided by Board staff has declined over the last three fiscal years. The decline is concerning, but is most likely due to the Board's existing vacancies in the licensing and cashiering unit.

While survey results may show a slight decrease in respondents' perceptions of the information provided through the Board's Web site and newsletter, this type of response is expected when considering the factors that may affect customer opinions. For example, significant changes in licensing laws, a growing licensee population (introduction of the Professional Clinical Counselor license), and the Board's vacancy rate all affect the Board's ability to respond to consumer inquiries.

In 2005/2006, the Board created a Web site subscriber feature to provide the Board the ability to notify individuals of regulatory or legislative changes, Board and committee meeting notices and materials, enforcement actions, and various exams and licensing information. The Board continually encourages the public and licensees to sign up for the email subscribers list to instantly receive Board news and updates. To date, the general subscribers list has approximately 4,961 subscribers.

The Board also posts current processing dates for all applications on its home page so that applicants, registrants, and licensees know whether or not their application has been processed and approximately how long it will take to process.

In 2008 the Board ceased mailing out its newsletter and changed to an electronic format, which is available on the Board's Web site. The survey results relating to receipt of the Board's newsletter is most likely due to this format change.

Even with the Board's current resource constraints, overall customer satisfaction remains above fifty percent. The Board recognizes that customer satisfaction and service is an important component to its mission and strategic goals. To this end, the Board continues its efforts to improve communication to ensure important and relevant information is provided timely and efficiently.

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

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
#1110-07	10/11	Special fund budget augmentation in the Board's Enforcement Unit (Probation Coordinator)	1-AGPA	0	$81,000	$0	$14,000	$0
#1110-08	10/11	Temp Help Augmentation	0	0	$50,000	$0	$0	$0
#1110-03L	10/11	Special fund budget augmentation to implement SB 788	12 Total 1- SSMI 2 – AGPA 1 – SSA 2 - MST 5 – OT 1-OA	5 Total 1-SSMI 2- AGPA 1-SSA 1-MST	$641,000	$410,000	$623,000	$560,000
#1110-03	09/10	Augmentation of the Board's budget to facilitate an occupational analysis for the LCSW licensing exam	0	0	$0	$0	$112,000	$0
#1110-05	09/10	Augmentation of the Board's Attorney General budget line	0	0	$0	$0	$86,000	$86,000
#1110-06	09/10	Augmentation of the Board's budget to provide ongoing outreach services to constituents	0	0	$0	$0	$115,000	$0
#1110-01	08/09	Special fund budget augmentation in the Board's Enforcement Unit (Investigative Analysts)	2- AGPA	2- AGPA	$161,000	$160,477	$47,000	$47,523
#1110-03	08/09	Special fund budget augmentation in the Board's Licensing Program (LMFT Intern Evaluator & Clerical Support	1.5 Total 1 – OT .5- OA	1.5 Total 1 – OT .5- OA	$74,000	$40,745	(-23,000)*	$19,255

*Redirect $33,000 from temp help budget
SSMI –Staff Services Manage I; AGPA – Associate Governmental Program Analyst; SSA- Staff Services Analyst; MST – Management Services Technician; OT-Office Technician, OA-Office Assistant

Describe if/when deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes anticipated by the board.

Current Board projections do not indicate any future deficit. Accordingly, the Board does not have plans to increase or reduce fees. Below is the Board's fee schedule and revenue for the past four years.

Table 3. Fee Schedule and Revenue

Fee (Revenue Source Code)	Current Fee Amount	Statutory Limit	FY 2007/08 Revenue	*% of Total Revenue*	FY 2008/09 Revenue	*% of Total Revenue*	FY 2009/10 Revenue	*% of Total Revenue*	FY 2010/11 Revenue	*% of Total Revenue*
Re-Scoring Written	$20.00	$20.00	$800	*0.01%*	$880	*0.01%*	$1,020	*0.02%*	$1,180	*0.02%*
Duplicate Doc	$20.00	$20.00	$21,060	*0.35%*	$20,280	*0.34%*	$22,560	*0.36%*	$22,260	*0.35%*
Certification	$25.00	$25.00	$17,745	*0.29%*	$17,325	*0.29%*	$20,270	*0.33%*	$17,990	*0.28%*
Cite & Fine Recovery	VARIOUS	VARIOUS	$55,800	*0.93%*	$10,850	*0.18%*	$35,180	*0.57%*	$50,920	*0.80%*
Misc to the Public	$10.00	$10.00	$880	*0.01%*	$1,490	*0.03%*	$7,617	*0.12%*	$2,915	*0.05%*
MFT Application	$100.00	$100.00	$164,400	*2.73%*	$173,600	*2.91%*	$191,900	*3.09%*	$200,225	*3.15%*
MFT Written Exam Re-Exam	$100.00	$100.00	$237,400	*3.94%*	$248,800	*4.18%*	$263,700	*4.25%*	$275,800	*4.33%*
MFT Intern Registration	$75.00	$75.00	$249,370	*4.13%*	$256,710	*4.31%*	$256,045	*4.12%*	$277,641	*4.36%*
MFT Initial License	$130.00	$180.00	$129,547	*2.15%*	$138,311	*2.32%*	$136,141	*2.19%*	$153,243	*2.41%*
MFT Written Clinical	$100.00	$100.00	$164,100	*2.72%*	$149,537	*2.51%*	$146,700	*2.36%*	$152,400	*2.39%*
LCSW Written Clinical	$100.00	$100.00	$110,000	*1.82%*	$114,200	*1.92%*	$132,400	*2.13%*	$133,775	*2.10%*
LCSW App	$100.00	$150.00	$163,200	*2.71%*	$172,900	*2.90%*	$199,700	*3.22%*	$213,800	*3.36%*
LCSW Written Exam Re-Exam	$75.00	$75.00	$162,750	*2.70%*	$171,999	*2.89%*	$161,692	*2.60%*	$184,120	*2.89%*
Associate LCSW Registration	$100.00	$155.00	$53,537	*0.89%*	$76,101	*1.28%*	$71,208	*1.15%*	$70,530	*1.11%*
LCSW Initial License	$100.00	$100.00	$215,445	*3.57%*	$206,200	*3.46%*	$231,700	*3.73%*	$217,400	*3.41%*
LPCC Intern Application	$100.00	$150.00	-	-	-	-	-	-	-	-
LPCC Initial License	$200.00	$250.00	-	-	-	-	-	-	-	-
LPCC Exam Application	$180.00	$250.00	-	-	-	-	-	-	-	-
LPCC Application Eligibility (GPT-MFT/LCSW)	$180.00	$180.00	-	-	-	-	-	-	-	-
LPCC Application Eligibility GPT	$180.00	$180.00	-	-	-	-	-	-	-	-
LPCC Law & Ethics Exam	$100.00	$150.00	-	-	-	-	-	-	-	-
LPCC Law & Ethics Exam (GPT)	$100.00	$150.00	-	-	-	-	-	-	-	-
LPCC Gap Exam (GPT MFT)	$100.00	$100.00	-	-	-	-	-	-	-	-
LPCC Gap Exam (GPT LCSW)	$100.00	$100.00	-	-	-	-	-	-	-	-
LPCC Inactive License	$87.50	§4999.112 (see footnote)	-	-	-	-	-	-	-	-
LPCC Inactive License (GPT)	$75.00	§4999.112 (see footnote)	-	-	-	-	-	-	-	-
LEP Application	$100.00	$100.00	$12,900	*0.21%*	$12,400	*0.21%*	$12,800	*0.21%*	$11,000	*0.17%*
LEP Written Exam Re-Exam	$100.00	$100.00	$15,700	*0.26%*	$16,500	*0.28%*	$16,500	*0.27%*	$16,800	*0.26%*
LEP Initial License	$80.00	$150.00	$7,068	*0.12%*	$3,676	*0.06%*	$5,415	*0.09%*	$5,240	*0.08%*
CE Provider Application	$200.00	§4980.54 (see footnote)	$55,000	*0.91%*	$53,000	*0.89%*	$58,000	*0.93%*	$53,200	*0.84%*

Table 3. Fee Schedule and Revenue

Fee (Revenue Source Code)	Current Fee Amount	Statutory Limit	FY 2007/08 Revenue	*% of Total Revenue*	FY 2008/09 Revenue	*% of Total Revenue*	FY 2009/10 Revenue	*% of Total Revenue*	FY 2010/11 Revenue	*% of Total Revenue*
LCSW Assoc Registration	$60.00	-	$75	*0.001%*	-	-	-	-	-	-
Over/Short Fees	VARIOUS	VARIOUS	$636	*0.01%*	$1,149	*0.02%*	$907	*0.01%*	$630	*0.01%*
Suspended Revenue	VARIOUS	VARIOUS	$8,270	*0.14%*	$6,368	*0.11%*	$3,935	*0.06%*	$1,910	*0.03%*
MFT Biennial Renewal	$130.00	$180.00	$1,542,060	*25.57%*	$1,593,339	*26.75%*	$1,649,629	*26.56%*	$1,665,220	*26.16%*
MFT Intern Annual Renewal	$75.00	$75.00	$651,300	*10.80%*	$700,685	*11.76%*	$751,563	*12.10%*	$792,486	*12.45%*
MFT Inactive Renewal	$75.00	$90.00	$155,460	*2.58%*	$162,104	*2.72%*	$145,725	*2.35%*	$144,924	*2.28%*
MFT Retired License	$40.00	$40.00	-	-	-	-	-	-	$6,600	*0.10%*
LCSW Biennial Renewal	$110.00	$155.00	$709,375	*11.76%*	$704,475	*11.83%*	$755,940	*12.17%*	$767,105	*12.05%*
LCSW Inactive Renewal	$60.00	$77.50	$65,680	*1.09%*	$64,170	*1.08%*	$62,175	*1.00%*	$59,840	*0.94%*
Assoc LCSW Annual Renewal	$75.00	$75.00	$414,825	*6.88%*	$457,050	*7.67%*	$493,050	*7.94%*	$530,450	*8.33%*
LCSW Retired License	$40.00	$40.00	-	-	-	-	-	-	$3,280	*0.05%*
LEP Biennial Renewal	$80.00	$150.00	$62,060	*1.03%*	$63,160	*1.06%*	$62,000	*1.00%*	$58,600	*0.92%*
LEP Inactive Renewal	$40.00	§4989.44 (see footnote)	$4,400	*0.07%*	$4,680	*0.08%*	$4,560	*0.07%*	$4,160	*0.07%*
LEP Retired License	$40.00	$40.00	-	-	-	-	-	-	$400	*0.01%*
LPCC Intern Annual Renewal	$100.00	$150.00	-	-	-	-	-	-	-	-
LPCC Biennial Renewal	$175.00	$250.00	-	-	-	-	-	-	-	-
LPCC Inactive Renewal	$87.50	§4999.112 (see footnote)	-	-	-	-	-	-	-	-
LPCC Retired License	$40.00	$40.00	-	-		-	-	-	-	-
CE Provider Biennial Renewal	$200.00	§4989.34 (see footnote)	$207,400	*3.44%*	$177,900	*2.99%*	$225,400	*3.63%*	$185,000	*2.91%*
LCSW Prior Year Renewal*	VARIOUS	VARIOUS	$400	*0.01%*	-	-	-	-	-	-
MFT Prior Year Renewal*	VARIOUS	VARIOUS	$325	*0.01%*	-	-	-	-	-	-
LCSW Assoc Renewal Extension*	$50.00	-	$18,350	*0.30%*	-	-	-	-	-	-
Over/Short Fees	VARIOUS	VARIOUS	$56	*0.001%*	-	-	-	-	-	-
MFT Inactive Renewal Delinquent Fee	$65.00	$90.00	$8,650	*0.14%*	$4,705	*0.08%*	$4,281	*0.07%*	$6,955	*0.11%*
MFT Delinquent Fee	$65.00	$90.00	$28,705	*0.48%*	$35,230	*0.59%*	$27,040	*0.44%*	$27,699	*0.44%*
LCSW Inactive Renewal Delinquent Fee	$50.00	$75.00	$4,350	*0.07%*	$2,550	*0.04%*	$1,550	*0.02%*	$5,170	*0.08%*
LCSW Renewal Delinquent Fee	$50.00	$75.00	$12,750	*0.21%*	$12,150	*0.20%*	$10,100	*0.16%*	$10,600	*0.17%*
LEP Inactive Renewal Delinquent Fee	$40.00	$75.00	$120	*0.002%*	$80	*0.001%*	$160	*0.003%*	$1,620	*0.03%*
LEP Renewal Delinquent Fee	$40.00	$75.00	$2,360	*0.04%*	$2,480	*0.04%*	$2,600	*0.04%*	$2,560	*0.04%*

Table 3. Fee Schedule and Revenue										
Fee (Revenue Source Code)	**Current Fee Amount**	**Statutory Limit**	**FY 2007/08 Revenue**	***% of Total Revenue***	**FY 2008/09 Revenue**	***% of Total Revenue***	**FY 2009/10 Revenue**	***% of Total Revenue***	**FY 2010/11 Revenue**	***% of Total Revenue***
LPCC Renewal Delinquent Fee	$87.50	§1816.7(d) (see footnote)	-	-	-	-	-	-	-	-
LPCC Renewal Delinquent Fee (GPT)	$75.00	§1816.7(e) (see footnote)	-	-	-	-	-	-	-	-
CE Provider Renewal Delinquent Fee	$100.00	§4980.54 (see footnote)	$200	*0.003%*	$2,400	*0.04%*	$4,500	*0.07%*	$3,200	*0.05%*
LCSW Prior Yr Delinquent Renewal*	VARIOUS	VARIOUS	$200	*0.003%*	-	-	-	-	-	-
MFT Prior Yr Delinquent Renewal *	VARIOUS	VARIOUS	$130	*0.002%*	-	-	-	-	-	-
LCSW Delinquent Renewal*	$75.00	-	$75	*0.001%*	-	-	-	-	-	-
Total Revenue			**$6,031,542**		**$5,957,315**		**$6,211,192**		**$6,366,133**	

*Effective FY 2008/09 these fee codes are no longer used by the Board's Cashiering Unit.

Footnote/Authority Cited: BPC 4999.112(a)(1) - Pay a biennial fee of one-half of the active renewal fee. BPC 4980.54/4989.34 - 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. BPC 4989.44(c) - A licensee who holds an inactive license shall pay a biennial fee for one-half of the amount of the standard renewal fee.

Table 4. Fund Condition (Dollars in Thousands)						
	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Beginning Balance	$6,273	$7,049	$4,493	$4,885	$4,487	$1,209
Revenues and Transfers	$6,032	$2,957	$6,211	$6,366	$4,511	$7,794
Total Revenue	**$6,032**	**$5,957**	**$6,211**	**$6,366**	**$7,811**	**$7,794**
Budget Authority*	$5,625	$6,024	$6,934	$8,258	$7,728	$7,728 **
Expenditures	$5,317	$5,622	$5,926	$6,764	$7,789	$8,312
Fund Balance	**$7,049**	**$4,493**	**$4,885**	**$4,487**	**$1,209**	**$691**

* Budget Authority based on bottom line in Governor's Budget for respective year. FY 2010/11 includes LPCC budget, less cuts.
**Estimated budget pending approval

Describe license renewal cycles and history of fee changes in the last 10 years.

Renewal fees, inactive license fees, and continuing education provider fees are all paid on a biennial basis. The due date for the renewal fees is biennial and is based on the licensees' birth month. Registrations for interns and associates are renewed annually. All other fees for exams and initial license are received and processed on an on-going basis. The chart below provides history of Board fee changes over the last ten years.

Fee	Date Repealed	Date Added
Examination and re-examination fee for oral exam (LMFT & LCSW)	3/3/2004	
LMFT & LCSW oral examination appeal fee	3/3/2004	
Professional Corporation fees	3/22/2001	
LMFT & LCSW Clinical Vignette		3/3/2004
Delinquency of CE Provider		1/26/2008
LPCC (all)		5/24/2011

Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?

Since FY2002/2003 the Board has made a total of three loans to the General Fund; $6 million in FY2002/2003, $3 million in FY2008/2009, and $3.3 million in FY2011/2012. To date, the Board has not received any repayment. The total loan balance remains at $12.3 million.

Describe the amounts and percentages of expenditures by program components.

The chart below reflects the Board's expenditures by program component. On average, during the last four fiscal years, the Board's enforcement program accounts for 47% of the Board's expenditures, the examination program accounts for 31%, and the licensing program accounts for 22%.

Table 5. Expenditures by Program Component

	FY 2007/08		FY 2008/09		FY 2009/10		FY 2010/11	
Program	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	825,543	1,318,219	858,971	1,329,781	1,043,988	1,747,652	914,471	1,528,832
Examination	335,212	1,330,920	305,976	1,285,671	399,442	1,234,952	299,150	965,054
Licensing	501,123	347,644	652,341	390,212	668,164	343,084	690,884	965,054
Diversion	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
TOTALS	$1,661,878	$2,996,783	$1,817,288	$3,005,664	$2,111,594	$3,325,688	$1,904,505	$3,458,940

Staffing Issues

Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Historically, the Board has had very little staff turnover. Currently, the Board has authorization for 43.3 staff positions and 3.3 blanket positions.

In previous years, recruitment for a Board vacancy was accomplished quickly. The Governor's Hiring Freeze (Executive Order B-3-11) and the past Executive Orders for the Furlough Programs are adversely impacting the Board's recruitment efforts and operations.

The Board currently has eight vacancies and has initiated recruitment efforts to fill the following positions; 1 Staff Services Manager I, 1 Special Investigator, 1 Associate Governmental Program Analyst, and 5 Office Technicians. Recruitment efforts thus far have not been successful under the current hiring freeze constraints.

The majority of the vacancies are in the Board's licensing and cashiering unit. The time of the year when the Board sees an increase in the application volume has recently passed. Consequently, as a result of the ongoing vacancies, the Board's processing times increased.

In addition to its current regulatory responsibilities for three mental health professions, the Board was legislatively mandated to license and regulate a new mental health profession, Licensed Professional Clinical Counselor, established by Senate Bill 788 (Chapter 619, Statues of 2009), starting January 1, 2010. Board staff faced challenges implementing this new licensing program with the existing vacancies and significant delays in filling positions specifically created for the LPCC licensing program.

The Board has reclassified several positions over the years to align the tasks with appropriate civil service classifications. Each vacancy is evaluated in conjunction with the Board's operational needs. If appropriate, the vacancy is reclassified.

Due to the hiring freeze restrictions, as vacancies occur, the critical workload of the departing staff member must be redirected to the remaining staff. This redirection in workload has contributed to an increase in Board staff turnover. Additionally, some staff accepted promotional opportunities with other Boards/Bureaus or state agencies not subject to the hiring freeze restrictions.

Five of the Board's current vacancies are at entry level classifications. The Board is unable to hire for these vacancies outside of the DCA without an exemption from the hiring freeze. The Board was granted approval for the five new staff positions to implement the new licensing program and one Office Assistant position within the fingerprinting unit.

The Board is making every effort to fill the vacancies within the parameters of the current hiring constraints and continues its efforts to provide the highest level of customer service possible with its existing resources.

The Board provides a work environment that is flexible, positive, and supportive of staff development. The longevity of employment with the Board by many of the current staff speaks well of the Board's retention efforts. The chart below reflects the number of vacancies at the end of the fiscal year.

Vacancy Rate				
FY 2008/09	FY 2009/10	FY 2010/2011	FY 2011/12	*Average*
2	0	2	11	*3.75*

The Board recognizes the importance of institutional knowledge and succession planning. Procedure manuals for each position incorporate this knowledge and provide the staff member with not only the necessary tasks, but also an understanding of the Board objectives and goals.

Staff development and mentoring is vital to succession planning. In addition to the training available, as special projects arise, staff is afforded the opportunity to participate. These opportunities provide staff the experience necessary to qualify for promotional opportunities within the Board.

Describe the board's staff development efforts and how much is spent annually on staff development. Provide year-end organizational charts for the last four fiscal years.

Work-related and professional development training opportunities are afforded to all Board staff. Staff may enroll in training courses available through a vast number of resources, including courses offered through DCA. Additionally, each manager conducts an annual review of their staff. The review includes a discussion regarding work-related training as well as training related to professional development.

The Board has spent roughly $40,000 over the last four (4) years for Consultant and Professional Services Contracts. The Board contracted with Hatton Management Consultants (HMC), which provided the following services.

- Strategic Planning consulting;
- Communication Assessment with all staff;
- Facilitation of management workshops;
- Administration of confidential all-staff interviews in efforts of identifying office strengths and weaknesses; and,
- Preparation, coordination and facilitation of meetings with management and staff to discuss possible solutions to improve organization effectiveness.

The cost breakdown of staff development efforts by fiscal year is as follows:

Fiscal Year	Cost
2007/08	$4,874
2008/09	$18,550
2009/10	$13,675
2010/11	$1,975

Organizational Charts

The Board's organizational charts for the past four fiscal years are located in Section 12 D.

Section 4 – Licensing Program

Performance Measures

What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The performance targets for the licensing program are from the Board's 2009 Strategic Plan and are as follows:

LICENSING PERFORMANCE TARGETS	
Evaluate all Intern/Associate applications and issue a registration for all complete applications or notify the applicant of the deficiency.	15 days
Evaluate all LEP applications and make applicant eligible to take the licensing examination if application is complete or notify the applicant of the deficiency.	15 days
Evaluate all Continuing Education Provider applications and issue a provider approval number if the application is complete or notify the applicant of the deficiency.	15 days
Issue examination eligibility notices once the applicant completes all the requirements to take the examination.	7 days
Issue all initial licenses once completed application received.	2 days
CASHIERING PERFORMANCE TARGETS	
Cashier/process all renewal applications.	7 days
Cashier/process all applications.	3 days

While in FY 2008/2009 the licensing and cashiering staff was able to meet the performance standards, the combination of the existing vacancies and increase in workload have significantly increased the Board's processing times.

At the present time, the Board is not meeting these performance targets due to vacancies over the last year in both the licensing and the cashiering units. Many of the duties within the licensing and cashiering units are assigned to one or two staff members to process the workload. Any vacancies in these areas have an immediate and adverse affect on processing times. Moreover, the overall application volumes have increased 13% in the last three years.

In order to maintain a continual workload in both the licensing and cashiering units, Board staff in other units has been cross-trained to assist in the preparation of all applications received by the Board. This allows the remaining staff in the licensing and cashiering units to process applications more expediently.

Application and Licensure Processing Times

Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The average time to issue an initial license (once the applicant has passed the final licensing examination) remains very low. The initial license issuance processing time averages three days. However, vacancies in the cashiering unit have caused a delay in the applications being cashiered, resulting in an overall longer processing time for initial licenses. Currently, the average processing time for an initial license application to be cashiered and issued is two weeks.

The average time to process examination eligibility applications has increased from 56 days in 2008/2009 to 76 days in 2010/2011. This average includes examination eligibility applications for all license types and as previously mentioned, this increase in processing time is a result of the vacancies experienced in both the licensing and cashiering units. Additionally, the Board has experienced a 13% increase in applications received during the last three fiscal years. As a result, the number of pending applications has increased 400% and the number of applications approved has decreased by 3%.

The process of evaluating an examination eligibility application is very extensive and includes a manual review of the documentation demonstrating that the applicant has completed all required supervised clinical hours. Evaluators must calculate experience hours to verify that each category of supervision has been met and to verify the supervisor(s) has met all requirements. Therefore, the possible process efficiencies are limited.

Previous efforts to obtain additional staffing for the licensing unit through the Budget Change Proposal process have not been successful. These requests were either denied or significantly reduced.

Table 6. Licensee Population

		FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11
Marriage and Family Therapist	Active	29,531	30,425	31,046	31,570
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	2,750	2,690	2,661	2,680
Licensed Clinical Social Worker	Active	17,069	17,772	18,283	18,724
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	1,562	1,547	1,561	1,499
Licensed Educational Psychologist	Active	1,791	1,818	1,833	1,816
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	276	260	265	291
Continuing Education Providers*	Active	2,341	2.417	2,493	2,528
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	87	184	195	185

*Continuing Education Providers do not receive a “license”; they receive “approval numbers”.
Note: The Board began receiving applications for Licensed Professional Clinical Counselors and Interns in July 2011. Licensing statistics are not yet available.

Table 7a. Licensing Data by Type

	Application Type	Recvd	Apprvd	Clsd	Iss	Pending Applications			Cycle Times		
						Total Clsd	Outside Board control*	W/in Board control*	Complete Apps	Inc Apps	combine, IF unable to separate out
FY 2008/09	Exam**	3,055	2,839	610	2,839	216	-	-	24	-	56
	License	2,570	2,570	n/a	2,570	-	-	-	n/a	n/a	n/a
	Registration	5,669	5,645	76	5,645	24	-	-	23	-	28
FY 2009/10	Exam**	3.380	3.004	510	3.004	376	-	-	29	-	63
	License	2,476	2,476	n/a	2,476	-	-	-	n/a	n/a	n/a
	Registration	5,593	5,353	95	5,353	240	-	-	18	-	25
FY 2010/11	Exam**	3,405	2,543	486	2,543	862	-	-	52	-	85
	License	2,606	2,606	n/a	2,606	-	-	-	n/a	n/a	n/a
	Registration	6,076	5,669	86	5,669	407	-	-	29	-	35

*Optional. List if tracked by the Board.
**When examination applications are approved, applicants are made eligible to sit for the licensing examination. They do not receive a license or registration.

Table 7b. Total Licensing Data

	FY 2008/09	FY 2009/10	FY 2010/11
Initial Licensing Data:			
Initial License Applications Received	2,570	2,476	2,606
Initial License Applications Approved	2,570	2,476	2,606
Initial License Applications Closed	0	0	0
Initial Exam Applications Received	3,055	3.380	3,405
Initial Exam Applications Approved	2,839	3.004	2,543
Initial Exam Applications Closed	610	376	862
License Issued	2,570	2,476	2,606
Initial License/Initial Exam Pending Application Data:			
Initial License Pending Applications (total at close of FY)	n/a	n/a	n/a
Initial License Pending Applications (outside of board control)*	--	--	--
Initial License Pending Applications (within the board control)*	--	--	--
Initial Exam Pending Applications (total at close of FY)	216	376	862
Initial Exam Pending Applications (outside of board control)*	--	--	--
Initial Exam Pending Applications (within the board control)*	--	--	--
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE)			
Initial License Average Days to Application Approval (All Complete/Incomplete)	3	3	14
Initial License Average Days to Application Approval (incomplete applications)*	n/a	n/a	n/a
Initial License Average Days to Application Approval (complete applications)*	n/a	n/a	n/a
Initial Exam Average Days to Application Approval (All - Complete/Incomplete)	56	57	76
Initial Exam Average Days to Application Approval (incomplete applications)*	--	--	--
Initial Exam Average Days to Application Approval (complete applications)*	24	26	44
* Optional. List if tracked by the board.			

Applicant Information Verification and Requirements

How does the board verify information provided by the applicant? What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The Board considers background checks of applicants vital to the protection of consumers. Applications are reviewed for previous criminal convictions and disciplinary actions against a professional license.

Applicants are required to declare, under penalty of perjury, whether they have ever been convicted of, pled guilty to or pled nolo contendere to, any misdemeanor or felony. Applicants must also declare, under penalty of perjury, whether they have been denied a professional license or had license privileges suspended, revoked, or disciplined, or if they have ever voluntarily surrendered a professional license in California or other state.

If an applicant reports such an act, the Board requires the applicant to provide a written explanation, documents relating to the conviction or disciplinary action, and rehabilitative efforts or changes made to prevent future occurrences.

The Board uses a variety of methods to determine the accuracy of an applicant's declarations. For criminal conviction history, California law authorizes the Board to conduct criminal record background checks to help determine the eligibility of a person applying for a license or registration. The Board requires all applicants to submit fingerprints through the Department of Justice (DOJ), who then provides the Board's authorized personnel with access to information contained in the DOJ's criminal offender record information database (CORI). The Board requires both a DOJ and Federal Bureau of Investigation (FBI) criminal history background check on all applicants for licensure or registration. If an applicant has a criminal history, the DOJ will notify the Board of results in approximately 14 to 30 days.

To determine if an applicant has had prior disciplinary history, the Board can verify out-of-state licensure status through other state regulatory boards and by conducting a query through the Healthcare Integrity and Protection Data Bank. For verification of in-state licensure status, the Board can check for prior disciplinary actions through the Commission on Teacher Credentialing and the Consumer Affairs System (CAS).

Does the board fingerprint all applicants?

The Board does require all applicants to fingerprint prior to receiving their registration or license. The application is held until both the DOJ and the FBI have issued fingerprint clearances.

Have all current licensees been fingerprinted? If not, explain.

Yes. In 2009, the Board promulgated California Code of Regulations, Title 16, Section 1815 requiring all licensees and registrants who have not previously submitted fingerprints as a condition of licensure or registration to successfully complete a state and federal level criminal offender record information search. To date, 87% of the required licensees and registrants have complied with this fingerprint requirement. The majority of the "non-compliant" populations are those who were most recently required to fingerprint (i.e. licensees with an expiration date of August, 2011). The Board will follow up with a second request to the non-compliant licensees and if the non-compliance continues, then the issue is referred to the enforcement unit to issue a citation and fine.

Does the board check a national databank?

The Board currently does not check the national database for all applicants at this time.

Does the board require primary source documentation?

Yes, the Board requires a sealed transcript from the applicant's educational institution in order to document that the educational requirements have been met. Additionally, the Board requires license certifications from other state licensing boards when an applicant has held an out-of-state license.

Out-of-State Applicant Requirements

Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board does not have reciprocity with any other state licensing board. Any person from another state seeking licensure as an LMFT, LCSW, LEP or LPCC in California will need to demonstrate compliance with all California licensing requirements, pass the required licensing examinations and apply for licensure.

The statutory requirements for out-of-state or out-of-country applicants are as follows:

Licensed Marriage and Family Therapists:

The Board may issue a license to a person who, at the time of submitting an application for licensure, holds a valid license issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following requirements are satisfied:

- The applicant's education is substantially equivalent;
- An applicant for licensure or registration with a degree obtained from an education institution outside the United States shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and shall provide other documentation the Board deems necessary;
- The applicant's supervised experience is substantially equivalent to that required for a license under the Board. The Board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license in another state or country;
- Completion of specific additional coursework;
- Attainment of 18 years of age; and,
- The applicant passes the examinations required to obtain a license.

Licensed Clinical Social Workers:

The Board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state; if the person passes the Board administered licensing examinations and pays the required fees; and if all of the following requirements are satisfied:

- The applicant's master's degree is from an accredited school of social work;
- Attainment of 21 years of age;
- The applicant's experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent;
- Completion of specific additional coursework;
- An applicant for licensure or registration trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education; and,
- The applicant passes the examinations required to obtain a license.

Licensed Educational Psychologists:

The Board may issue a license if the applicant satisfies the following requirements:

- Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent obtained from a regionally accredited university.
- An applicant for licensure trained in an educational institution outside the United States shall possess a degree that has been evaluated by the Credentials Evaluation Service of the International Education Research Foundation, Inc. for equivalency to the required degrees;
- Attainment of 18 years of age;
- Successful completion of 60 semester hours of postgraduate work in pupil personnel services;
- Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools;
- One year of supervised professional experience in an accredited school psychology program; or 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; and,
- The applicant passes the examination required to obtain a license.

Licensed Professional Clinical Counselors:

The board may issue a license if the applicant satisfies the following requirements:

- The applicant shall have earned a master's or doctoral degree that is counseling or psychotherapy in content and is deemed substantially equivalent;
- The applicant's degree contains the required number of practicum units;
- An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the Board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of NACES and shall provide any other documentation the Board deems necessary;
- Completion of specific additional coursework;
- Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by the licensing statute; and,
- The applicant passes the examinations required to obtain a license.

Continuing Education/Competency Requirements

Background

Current law requires all licensees of the Board, as a condition of biennial licensure renewal, to complete 36 hours of continuing education in, or relevant to, the licensee's respective field of practice (BPC Sections 4980.395, 4989.34, 4996.26 and 4999.76). Individuals must only complete 18 hours of CE in his or her initial license renewal period (16 CCR Section 1887.2).
CE courses must be obtained from:

- An accredited or state-approved school; or,
- A professional association, licensed health facility, governmental entity, educational institution, individual, or other organization approved by the Board.

CE course content shall be applicable to the practice of the particular profession, must be related to direct or indirect patient care as described below and must incorporate one or more of the following:

- Aspects of the discipline that are fundamental to the understanding and practice of the profession;
- Aspects of the discipline in which significant recent developments have occurred; or,
- Aspects of other disciplines that enhance the understanding or the practice of the discipline of the licensee.

A direct patient/client care course, defined in 16 CCR Section 1887.4, covers specialty areas of therapy (e.g. theoretical frameworks for clinical practice; intervention techniques with individuals, couples and groups). Indirect patient care courses cover pragmatic aspects of clinical practice (e.g. legal and ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations and supervision training).

Over the years, once mandatory CE courses, such as training in spousal/partner abuse and human sexuality, have become pre-licensure requirements. However, completion of a six hour course in law and ethics is still required for all licensees during every renewal cycle. LEPs, subject to a 36 hour CE requirement for license renewal beginning January 1, 2012, must complete courses in the treatment of individuals with substance dependency and child abuse assessment and reporting.

CCR 16 Section 1887.7 outlines the requirements for CE Provider (Provider) approval by the Board. In order to be approved by the Board, a Provider must meet the Board's course content and instructor qualification criteria as outlined above.

Provider approval must be renewed every two years. A Provider must apply for renewal by submitting the appropriate form and paying the required $200 fee.

16 CCR Section 1887.10 states that instructors teaching a course must have at least two of the following:

- A license, registration or certificate (free from restrictions) in an area related to the subject matter of the course;
- A master's degree or higher degree from an educational institution in an area related to the subject matter of the course;
- Training, certification or experience teaching subject matter related to the subject matter of the course; or,
- At least two years' experience in an area related to the subject matter of the course.

Recent Statutory and Regulatory Changes

Regulations outlining the requirements relevant to CE were established in 1997. Since the last Sunset Review of the Board in 2004, three rulemaking packages have been approved by the Office of Administrative Law. The first rulemaking went into effect on January 26, 2008 and affected 16 CCR Sections 1816.7, 1887.7, 1887.13 and 187.14 (File No. 2007-1109-01S). The changes set forth in this rulemaking did the following:

- Established a fee for delinquent Provider renewal applications, allowing a provider to renew a provider approval number within one year after its expiration. Previously, if a provider failed to renew an approval number by the stated expiration date, the provider number expired and was not renewable. Providers would then be required to apply for a new provider approval number if they wished to continue providing CE courses to Board licensees. This duplicative evaluation represented significant workload for staff;
- Required the Board to send renewal notices at least 30 days prior to an expiration of a provider renewal number and outlined requirements for renewing an expired license.; and,
- Prohibited a Provider with an expired approval from presenting courses for credit to Board licensees and required the Provider to submit a letter with submission on a delinquent renewal application certifying that no courses were presented during such time.

The second rulemaking package approved since the last Sunset Review of the Board went into effect on March 18, 2008 (File No. 2008-0116-05S). These regulatory changes to 16 CCR Sections 1887.2 and 1887.3 allow half of the mandatory CE hours to be gained through self-study. Self-study is defined as "a form of systematic learning preformed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer)." Prior to the amendments contained in this rulemaking, a licensee could gain up to six hours of CE through self-study in the first renewal period and 12 hours through self-study thereafter.

The final package of regulatory changes relating to CE went into effect May 24, 2011. This rulemaking added seven new sections and amended 60 other sections of Title 16 (File No. 2011-0415-01S). Relative to CE, this rulemaking had four major components: Added CE requirements for LPCCs consistent to those of LMFTs and LCWS; specified the CE requirements for LEPs as required by SB 1475 (Chapter 659, Statutes of 2006); and, revised the exception process to allow for reasonable accommodations to CE requirements to bring regulations into compliance with both the Americans with Disabilities Act and the California Fair Employment and Housing Act.

Verification of Continuing Education Requirements

Over 54,000 licensees and registrants renew with the Board every year. Registrants are not required to complete continuing education requirements, but all licensees with the Board are required to complete 36 hours of coursework in each renewal cycle. In order to renew a license prior to biennial expiration, a licensee must certify that he or she has completed the required continuing education hours. If a licensee fails to certify completion of the required CE, the license renewal is held until the licensee certifies completion of CE. A licensee may not practice with an expired or delinquent license.

Continuing Education Audits

The Board has a history of conducting CE audits; however, the Board has not conduct any audits since November, 2009, when, due to budget cuts, the Board was unable to keep the seasonal staff member that was responsible for CE audits. Prior to hiring the seasonal employee in 2008, CE audits were done by a number of different employees, as time permitted.

In 2010, the Board was approved for a partially funded position dedicated to evaluating Provider Applications and conducting CE audits. The CE position was filled December 1, 2010. However, as a result of furloughs and subsequent hiring restrictions, the incumbent in this position has absorbed other licensing and enforcement duties of vacant Board positions and has been unable to conduct CE audits.

The Board has established policy and procedures for conducting CE audits. The following is a general outline of the procedures for a CE audit:

- Determine the renewal period in which to audit.
- Determine a percentage of licensees who will be chosen to complete an audit, generally five to eight percent of the licensees renewing during the targeted time frame.
- Send initial letter to licensee. Once the letter has been sent, the licensee has 30 days to respond. The first letter sent requests the licensee to submit certificates of completing 36 Continuing Education Units (CEUs) for his/her renewal period (30 days).
- If licensee responds prior to the 30 days notice, document all of the courses and hours taken.
- If licensee has taken the 36 CEUs and has also taken Law and Ethics, the licensee has passed the audit.
- If the licensee didn't fulfill the requirements of the 36 CEUs or shown proof of completion of Law and Ethics, then he/she has failed the audit.
- After 30 days, if a licensee hasn't responded to the initial audit letter, a second letter is sent stating that if he/she does not respond the case, the licensee will be referred to enforcement.
- After a licensee has submitted all of his/her CEU certificates and has passed the audit, a Passed Letter is sent to the licensee.
- If a licensee has submitted their CEU certificates and is still missing either hours of CEU or Law and Ethics, the licensee will be sent a letter stating that he/she needs to submit any other certificates to complete their 36 CEU and have 15 days to respond.
- After 30 days, if a licensee hasn't respond to the first audit letter, a second letter is sent stating that if he/she does not respond then he/she shall be referred to enforcement after 15 days.
- If a licensee has failed to respond to an audit letter or he/she has no other CEUs to submit, then he/she is referred to enforcement.
- If a case is opened against a licensee that fails to comply, then a citation and fine will be issued.

Consequences of Failing a Continuing Education Audit

As noted above, licensees that fail to provide proof of completion of CE requirements are subject to fines (pursuant to 16 CCR Sections 1887.3 and 1887.1(b)). Depending on the severity of the violation, fines for failure to comply with CE requirements may be levied in an amount up to $1,200. If a licensee fails to remediate the deficiencies or pay the determined fine, an enforcement hold it placed on the license, making the license ineligible for renewal until all conditions are met.

Number of Continuing Education Audits for the Past Four Fiscal Years

More detailed statistics on CE audits were not compiled before 2009, however, the Board did track the total number of CE audits performed each calendar year. The year noted represents the end date of a biennial renewal cycle. For example, those audits conducted in 2007 consisted of licensees required to complete CE from 2005 through 2007.

Year	MFTs Audited	LCSWs Audited	Total Audits Conducted
2004	140	77	217
2005	226	139	465
2006	359	221	580
2007	526	303	829

Beginning in 2009, the Board began to track the failure rate of licensees audited for completion of CE audits, as seen in the following table. This table shows audits completed from February 2009 through November 2009, spanning two fiscal years.

Licensed Marriage and Family Therapist CE Audit (February 2009 – November 2009)			
Renewal Period	**Number Selected**	**Number Passed**	**Number Failed**
02/01/06 – 01/31/08	32	16	16
03/01/06 – 02/29/08	22	14	8
07/01/06 – 6/30/08	43	30	13
02/01/07 – 01/31/09	41	34	7
Total	**138**	**94**	**44**

Licensed Clinical Social Workers CE Audit (February 2009 – November 2009)			
Renewal Period	**Number Selected**	**Number Passed**	**Number Failed**
02/01/06 – 01/31/08	14	12	2
03/01/06 – 02/29/08	16	13	3
07/01/06 – 6/30/08	31	21	10
02/01/07 – 01/31/09	35	28	7
Total	**96**	**74**	**22**

Of the 234 licensees audited in 2009, 66 were out of compliance, representing 28 percent of those audited.

Continuing Education Course Approval Policy

The Board approves providers of CE for Board licensees but does not approve specific CE courses.

Continuing Education Provider Approval

Current law outlines the broad course content requirements of direct and indirect patient care relevant to the practice of the respective profession of a licensee and requires the Provider to ensure that course content and instructor qualifications criteria are met. The Board may revoke or deny a provider application for good cause, defined to include, but not limited to:

- A provider is convicted of a felony or misdemeanor offense substantially related to the activities of a Board-approved provider;
- A provider that is a licensee of the Board fails to comply with any provisions of licensing statutes and regulations; or,
- A provider makes a material misrepresentation of fact in information submitted to the Board.

Additionally, the Board may revoke or deny the right of a provider to offer CE coursework for failure to comply with the provisions outlining Provider requirements (BPC Sections 4980.54(g), 4989.34(b)(2), 4996.22(e) and 4999.76(e)).

Though the Board does not have explicit authority to *review* course content, the Board may audit provider records to ensure compliance with the CE requirements, including but not limited to, the requirement that a Provider ensure that the course content and instructors teaching courses meet the specified criteria. Furthermore, the Board has the authority to deny or revoke the right to offer CE if a Provider does not ensure those criteria are met. The law gives the Board authority to revoke or deny a Provider based on not ensuring quality of content, however, it does not allow the Board to approve or deny specific courses offered by a Provider. The Board has no authority to *approve* individual CE courses. Language expressly permitting the review of course content and instructor qualification relates only to an initial Provider approval application. This review of coursework content and instructor qualification does not extend to renewal or maintenance of a Provider's approval. The Board also does not have the authority to approve an instructor.

As discussed above, courses and content by a Provider are not Board approved. A Provider is approved based on the content of courses and qualification of instructors presented in the initial application package. Additionally, Providers are not required to update the Board with a list of courses offered or instructors of those courses. Therefore, licensees obtaining CE hours from approved providers assume that the coursework meets the Board's requirements because the course is offered through an approved Provider.

Number of Continuing Education Provider Applications Received and Approved in the Past Four Fiscal Years				
CE Provider	**FY 07/08**	**FY 08/09**	**FY 09/10**	**FY 10/11**
Applications Received	279	270	290	260
Applications Approved	250	249	266	207

Does the Board Audit Continuing Education Providers

No.

Describe the Board's Efforts to Review its Continuing Education Policy

At the October 13, 2011, Policy and Advocacy Committee meeting, Committee members discussed needed changes to the regulations that set forth requirements for Providers. Additionally, Committee members discussed the possible need to transition to a continuing competency model for licensure renewal. The Committee recommended that the Board, at its November 9, 2011, meeting, create a Continuing Education sub-committee to conduct meetings with stakeholders, professional associations, and experts in continuing competence programs to determine the best possible solutions in moving forward with a restructure of the Board's continuing education program.

Examinations

Describe the examinations required for licensure. Is a national exam used? Is there a California specific exam required?

Marriage and Family Therapists and Clinical Social Worker licensure candidates are required to take and pass both the California Standard Written examination and the Written Clinical Vignette Examination. Educational Psychologist licensure candidates are required to take and pass the Licensed Educational Psychologist Written examination. The Board works with the Office of Professional Examination Services to develop two versions of each examination each fiscal year. A national examination is not used for these three mental health professions.

Professional Clinical Counselors licensure candidates are required to take and pass the National Clinical Mental Health Counselors Examination (NCMHCE) and a California jurisprudence and ethics examination.

What are pass rates for first time vs. retakes in the past 4 fiscal years?

The table below reflects the pass rates for first time examination candidates and those who retake the examination.

Table 8. Examination Data

California Examination (include multiple language) if any:

		LMFT Standard Written Pass rate	LMFT Clinical Vignette Pass rate	LCSW Standard Written Pass rate	LCSW Clinical Vignette Pass rate	LEP Written Pass rate
2007/2008	First attempt	79%	72%	75%	52%	85%
	Second attempt	50%	58%	51%	45%	87%
	Third attempt	37%	49%	46%	46%	83%
	Fourth plus attempt	20%	39%	25%	39%	67%
2008/2009	First attempt	78%	72%	68%	61%	64%
	Second attempt	38%	63%	32%	61%	14%
	Third attempt	28%	54%	16%	56%	0%
	Fourth plus attempt	11%	34%	14%	50%	0%
2009/2010	First attempt	88%	82%	77%	78%	72%
	Second attempt	49%	43%	36%	49%	47%
	Third attempt	37%	38%	27%	44%	30%
	Fourth plus attempt	17%	28%	10%	44%	17%
2010/2011	First attempt	80%	76%	66%	67%	64%
	Second attempt	36%	62%	32%	65%	35%
	Third attempt	27%	56%	25%	50%	80%
	Fourth plus attempt	12%	43%	10%	43%	90%

Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the Board is using computer based testing for all of its examinations. "Paper and pencil" examinations are available to those candidates who require this special accommodation.

Examination candidates contact the contracted testing vendor to schedule their examination. California specific examinations are administered by Psychological Services, LLC (PSI). Candidates testing through PSI may use the online feature to schedule their examination or use a toll free number. Candidates may select from PSI's 13 California testing sites and 10 out-of-state sites to schedule their examinations. Each test site provides the examination candidate a designated space with a computer terminal to take their examination.

Proctors at the test site monitor the examination candidates to ensure the security and integrity of the examination is preserved. PSI offers testing six days a week (Monday-Saturday), year round, except major holidays.

The National Board for Certified Counselors (NBCC) administers the NCMHCE for LPCC candidates. The NCMHCE is also a computer based test and is offered the first full two weeks of every month, except major holidays. NBCC has over 170 testing sites throughout the United States. Candidates may register for the exam online or by calling a toll free number.

Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board does not approve schools. Marriage and Family Therapist applicants must obtain a doctor's or master's degree from a school, college, or university approved by or accredited by the following entities.

- Bureau for Private Postsecondary and Vocational Education (BPPE);
- Commission on the Accreditation of Marriage and Family Therapy Education; or,
- A regional accrediting agency recognized by the United States Department of Education.

Applicants for licensure as a LCSW must obtain a master's degree from a school of social work, accredited by the Commission on Accreditation of the Council on Social Work Education.

LEP licensure candidates must obtain a masters degree from a regionally accredited university. Regionally accredited schools includes:

- Western Association of Schools and Colleges.
- Northwest Association of Secondary and Higher Schools.
- Middle States Association of Colleges and Secondary Schools.
- New England Association of Colleges and Secondary Schools.
- North Central Association of Colleges and Secondary Schools.
- Southern Association of Colleges and Schools.

LPCC licensure applicants must possess a master's degree from a school, college, or an university approved by BPPE or a regionally accrediting association.

How many schools are approved by the board? How often are schools reviewed? What are the board's legal requirements regarding approval of international schools?

As stated previously, the Board does not approve schools.

Section 5 – Enforcement Program

Enforcement Performance Measures

What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

In 2010, DCA developed standard performance measures for each board and bureau to assess the effectiveness of its enforcement program. DCA established an overall goal to complete consumer complaints within 12 to 18 months. Each board and bureau is responsible for determining its performance target for each performance measure to achieve the 12-18 month goal. The Board's performance targets are noted below.

Performance Measure (PM)	Definition	Performance Target
PM 1 Volume	Number of complaints received.	*
PM 2 Cycle Time	Average number of days to complete complaint intake.	7 days
PM 3 Cycle Time	Average number of days to complete closed cases not resulting in formal discipline.	80 days
PM 4 Cycle Time	Average number of days to complete cases resulting in formal discipline.	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	75% Satisfaction
PM 7 Cycle Time (probation monitoring)	Average number of days from the date a probation monitor is assigned to a probationer to the date the probation monitor makes first contact.	10 days
PM 8 Initial Contact Cycle Time (probation monitoring)	Average number of days from the time a violation is reported to the program to the time the assigned probation monitor responds.	1 day

* Complaint volume is counted and is not considered a performance measure.
** Current systems do not capture this data. According to DCA collection of this data will begin after the implementation of BreEZe.

Currently, the Board is meeting its performance targets with the exception of PM 4 (Cycle Time for cases resulting in formal discipline). DCA set the performance target for PM 4 at 540 days (18 months). This performance target is dependent upon the staffing and workload of outside agencies, such as the Attorney General's Office (AG) and the Office of Administrative Hearings. The progress of each case referred for formal discipline is monitored by Board staff. However, any workload and/or staffing issues at the Attorney General's Office and the Office of Administrative Hearings are not within the Board's control.

Enforcement Statistics and Process Improvement

Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board's enforcement workload has increased 210% since the 2004 Sunset Review. The enforcement data for FY 2010/2011 in Table 9a shows the highest number of consumer complaints and conviction/arrest reports ever received by the Board, with a total of 1,981 cases. By comparison, in its 2004 Sunset Review, the Board reported receiving 943 total cases.

The rise in consumer complaints can be attributed to the ability of consumers to file a complaint on-line through the Board's Web site, increased number of licensees and registrants, and consumer education. The increase in conviction/arrest reports are related to a new regulation (16 CCR Section 1815), which requires all licensees and registrants to submit fingerprints, effective June 19, 2009. Over 34,000 licensees were identified by the Board as needing to comply with this requirement and were notified by the Board of this new requirement.

The increasing enforcement workload requires the Board to assess its resources and review its processes. Through the BCP process, additional staffing resources were requested and received. One significant change to the Board's process is the addition of two non-sworn Investigative Analysts.

These analysts perform a majority of the Board's field investigative work that was previously referred to the Department of Consumer Affairs, Division of Investigation (DOI). On April 1, 2010, a report submitted to the legislature related to the work of non-sworn Investigative Analysts noted significant improvements in investigation timelines.

The Board completed a comprehensive review of its enforcement program in 2010. The review included all procedural steps from receipt of the complaint to closure. Many duplicative and obsolete processes were identified and eliminated.

The Board continues to evaluate its enforcement program and staffing level. The Board is committed to completing all investigations in a thorough and expeditious manner.

Table 9a. Enforcement Statistics			
	FY 2008/09	FY 2009/10	FY 2010/11
COMPLAINT			
Intake			
Received	831	989	972
Closed	0	0	1
Referred to INV	831	989	941
Average Time to Close	8	7	6
Pending (close of FY)	0	0	0
Source of Complaint			
Public	598	698	770
Licensee/Professional Groups	55	37	28
Governmental Agencies	66	108	6
Other	112	146	168
Conviction / Arrest			
CONV Received	595	941	1009
CONV Closed	595	941	1009
Average Time to Close	7	4	3
CONV Pending (close of FY)	0	0	0
LICENSE DENIAL			
License Applications Denied	28	40	44
SOIs Filed	2	29	17
SOIs Withdrawn	0	6	1
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	-	-	631
ACCUSATION			
Accusations Filed	47	89	75
Accusations Withdrawn	2	3	5
Accusations Dismissed	1	0	1
Accusations Declined	1	8	12
Average Days Accusations	-	-	785
Pending (close of FY)	105	147	157

Table 9b. Enforcement Statistics (continued)			
	FY 2008/09	FY 2009/10	FY 2010/11
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	8	12	40
Stipulations	20	41	48
Average Days to Complete	785	773	804
AG Cases Initiated	88	123	121
AG Cases Pending (close of FY)	105	147	157
Disciplinary Outcomes			
Revocation	10	8	24
Voluntary Surrender	8	11	20
Suspension	0	0	0
Probation with Suspension	2	0	0
Probation	8	31	44
Probationary License Issued	2	1	2
Other	0	1	0
PROBATION			
New Probationers	10	31	44
Probations Successfully Completed	1	4	5
Probationers (close of FY)	49	72	112
Petitions to Revoke Probation	5	6	3
Probations Revoked	3	0	4
Probations Modified	0	1	0
Probations Extended	0	1	0
Probationers Subject to Drug Testing	8	11	16
Drug Tests Ordered	5	3	122
Positive Drug Tests	0	0	4
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	n/a	n/a	n/a
Successful Completions	n/a	n/a	n/a
Participants (close of FY)	n/a	n/a	n/a
Terminations	n/a	n/a	n/a
Terminations for Public Threat	n/a	n/a	n/a
Drug Tests Ordered	n/a	n/a	n/a
Positive Drug Tests	n/a	n/a	n/a

Table 9c. Enforcement Statistics (continued)			
	FY 2008/09	FY 2009/10	FY 2010/11
INVESTIGATION			
All Investigations	1428	1930	1980
First Assigned	1335	1868	1972
Closed	136	125	141
Average days to close	595	653	675
Pending (close of FY)			
Desk Investigations	1309	1800	1891
Closed	125	110	129
Average days to close	531	583	634
Pending (close of FY)			
Non-Sworn Investigation	2	37	61
Closed	128	327	384
Average days to close	29	53	17
Pending (close of FY)			
Sworn Investigation	24	31	20
Closed	731	754	548
Average days to close	35	17	24
Pending (close of FY)	1428	1930	1980
COMPLIANCE ACTION			
ISO & TRO Issued	0	1	0
PC 23 Orders Requested	2	2	2
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	24	22	39
Referred for Diversion	n/a	n/a	n/a
Compel Examination	0	3	0
CITATION AND FINE			
Citations Issued	36	156	62
Average Days to Complete	180	95	290
Amount of Fines Assessed	$33,050	$276,650	$72,250
Reduced, Withdrawn, Dismissed	$5,650	$ 4,650	$ 6,700
Amount Collected	$ 9,400	$35,030	$51,920
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	1	1

Table 10. Enforcement Aging						
	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	17	15	1	39	72	18
2 Years	19	14	25	66	124	31
3 Years	7	6	22	12	47	12
4 Years	0	2	4	2	8	23
Over 4 Years	0	1	2	0	3	2
Total Cases Closed	45	38	53	119	255	64
Investigations (Average %)						
Closed Within:						
90 Days	680	693	1036	1002	3411	853
180 Days	360	327	424	392	1503	376
1 Year	249	216	284	402	1151	288
2 Years	82	81	101	165	429	108
3 Years	15	17	19	9	60	15
Over 3 Years	1	1	4	2	8	2
Total Cases Closed	1387	1335	1868	1972	6562	1641

What do overall statistics show as to increases or decreases in disciplinary action since last review.

A disciplinary action becomes final 30 days after the Board adopts the proposed decision or stipulation. Table 9b reflects 28 cases resulting in final disciplinary action were closed in 2007/2008. In 2010/2011, this number increased to 88 cases, a 314% increase in disciplinary actions taken by the Board. The increase is most likely due to the efforts to reduce the investigative and disciplinary action timelines as well as the increase in complaints received by the Board.

Case Prioritization. Mandatory Reporting, and Statutes of Limitation

How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's model? If so, explain why.

The Board developed its Complaint Prioritization Guidelines in 2009 using the DCA model guidelines for health care agencies. Although similar to the DCA model, the Board modified the complaint categories in the DCA guidelines to reflect the subject areas unique to the Board.

Using these guidelines, complaints are reviewed by Board staff and categorized. Complaints categorized as "urgent" demonstrate conduct or actions by the licensee or registrant that pose a serious risk to the public's health, safety, or welfare. These complaints receive the immediate attention of the Enforcement Manager to initiate the appropriate action.

Complaints categorized as "high" involve allegations of serious misconduct but the licensee's or registrant's actions do not necessarily pose an immediate risk to the public's health, safety, or welfare. "Routine" complaints involve possible violations of the Board's statutes and regulations, but the licensee's or registrant's actions do not pose a risk to the public's health, safety, or welfare.

Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report any actions taken against the licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?

There are four mandatory reporting requirements.

- BPC section 801(b) requires every insurer providing professional liability insurance to marriage and family therapists and licensed clinical social workers to report any settlement or arbitration award over $10,000 of a claim or action for damages for death or personal injury caused by the licensee's negligence, error or omission in practice, or by rendering of unauthorized professional services.
- BPC section 802(b) requires marriage and family therapists, licensed clinical social workers, and claimants (or, if represented by counsel) to report any settlement, judgment, or arbitration award over $10,000 of a claim or action for damages for death or personal injury caused by the licensee's negligence, error or omission in practice, or by rendering of unauthorized professional services.
- BPC section 803(c) requires the clerk of the court to report, within 10 days after judgment made by the court in California, any person who holds a license or certificate from the Board who has committed a crime or is liable for any death or personal injury resulting from a judgment for an amount in excess of $30,000 caused by his or negligence, error or omission in practice or by rendering of unauthorized professional services.
- BPC section 805(b) requires the chief of staff, chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic to file an 805 report within 15 days after the effective date which any of the following occurs as a result of an action taken by the peer review body of a marriage and family therapist or licensed clinical social worker: 1) The licentiate's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason; 2) the licentiate's membership, staff privileges, or employment is terminated or revoked for medical disciplinary cause or reason.; or, 3) Restrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason.

Although these are mandatory reporting requirements, the Board only receives a very small number of these reports each year. During the last four fiscal years, the Board only received a total of 22 reports.

Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

Yes, the Board operates with a statute of limitations. BPC section 4990.32, provides in part, that any accusation filed pursuant to Section 11503 of the Government Code against a licensee or registrant shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action or within seven years (or ten years for sexual misconduct allegations) from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year and ten-year limitation period is tolled until the minor reaches the age of majority.

Any accusation filed against a licensee alleging the procurement of a license by fraud or misrepresentation is not subject to a statute of limitations.

Citation and Fine

Discuss the extent to which the board has used it's cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the board increased its maximum fines to the $5,000 statutory limit?

Regulations establishing the Board's citation and fine program became effective on February 17, 1997. In April 1999, the Board implemented the citation and fine program. To date, 878 citations and fines have been issued and 17 citations were issued without a fine.

Effective September 3, 2006, the Board amended its regulations to increase the maximum fine to $5000. The maximum fine amount is only assessed if the violation includes one or more of the following circumstances:

- The cited person has a history of two or more prior citations of similar violations;
- The citation involves multiple violations that demonstrate a willful disregard of the law;
- The citation involves a violation or violations perpetrated against a minor, person over the age of 60, or a person with a physical or mental disability;
- The citation involves unlicensed practice; or,
- The citation involves an impermissible breach of confidentiality.

Fines may range from $100 to $5,000. In issuing an order of abatement or assessing the amount of the fine, the Executive Officer of the Board gives due consideration to the following factors:

- The gravity of the violation;
- The good or bad faith exhibited by the cited person;
- The history of previous violations of the same or similar nature;
- Evidence that the violation was or was not willful;
- The extent to which the cited person has cooperated with the Board's investigation; and,
- The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation.

How is cite and fine used? What types of violations are the basis for citation and fine?

The citation and fine program provides the Board with an expedient method of addressing violations which do not warrant revocation, suspension, or imposition of probationary terms. The types of violations that are the basis for citations and fines include, but are not limited to, the following:

- Failure to comply with the continuing education requirements;
- Failure to disclose a conviction on a renewal application;
- False or misleading advertisements;
- Failure to maintain confidentiality;
- Misrepresentation to the type or status of a license or registration held;
- Failure to disclose to the client or prospective client the fee to be charged for professional services;
- Improper supervision;
- Failure to keep records consistent with the standards of the profession;
- Failure to comply with the child abuse or elder and dependent abuse reporting requirements; and,
- Unlicensed practice.

How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?

During the last four fiscal years, the Board has issued a total of 342 citations. Of the 342 citation issued, there have been 86 requests for Informal Citation Conferences and 7 requests for Administrative Hearings.

Informal Citation Conferences			
FY 2007/2008	FY 2008/2009	FY 2009/2010	FY 2010/2011
39	7	26	14

Administrative Procedures Act Appeals			
FY 2007/2008	FY 2008/2009	FY 2009/2010	FY 2010/2011
3	1	1	2

What are the 5 most common violations for which citations are issued?

The five most common violations for which citations are issued are as follows:

- Failure to comply with the continuing education requirements;
- Failure to disclose a conviction on a renewal application;
- False or misleading advertisements;
- Failure to maintain patient confidentiality; and,
- Misrepresentation as to the type or status of a license or registration held.

What is average fine pre and post appeal?

The average fine pre appeal is $1000 and the average fine post appeal is $750.

Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Due to minimal success in collecting fines through the Franchise Tax Board intercept, the Board has not consistently utilized this program. The Board primarily uses the Franchise Tax Board intercept program to collect outstanding fines from individuals not licensed or registered with the Board.

For licensees or registrants with outstanding fines, 16 CCR section 1888.60(d) authorizes the Board to add the fine amount to the licensee's or registrant's next renewal payment. Further, the Board may pursue disciplinary action against the licensee or registrant who fails to pay a fine.

Cost Recovery and Restitution

Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

BPC section 125.3(a) provides the Board the authority to recover the reasonable costs of investigation and enforcement of a case. The Board seeks cost recovery regardless of whether the case is settled by stipulation or whether the case proceeds to administrative hearing. In cases where a respondent is placed on probation, cost recovery, including compliance with a payment schedule, is generally a condition of probation. Non-compliance with this condition of probation may result in the case being returned to the AG's Office to seek revocation or to extend the term of probation until cost recovery is made in full.

How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

During the last four fiscal years, the total amount of cost recovery ordered is $526,310.19. The table below shows the amount ordered for revocation, surrenders and probationers. The Board believes that approximately $300,000 is uncollectable. This estimated total represents cost recovery assessed to individuals whose license or registration was revoked or surrendered. These individuals are not required to pay cost recovery unless they reapply for licensure or registration with the Board.

Cost Recovery Order by Type FY 2007/2008 through 2010/2011		
Revocation	Surrenders	Probationers
15	18	77
$60,121.81	$157,548.80	$308,639.58

Are there cases for which the board does not seek cost recovery? Why?

No. The Board seeks cost recovery in all formal disciplinary actions.

Does the board have legal authority to order restitution? If so, describe the board's efforts to obtain restitution for individual complainants, the board's formal restitution program, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Discuss any changes since last review.

The Board does not have legal authority to order restitution for complainants. However, the Board may consider seeking restitution for the complainant as part of a stipulated agreement which contains probation terms (Government Code section 11519).

Table 11. Cost Recovery

	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11
Total Enforcement Expenditures				
Potential Cases for Recovery *	36	28	53	88
Cases Recovery Ordered	28	15	31	39
Amount of Cost Recovery Ordered	$198,118	$61,013	$115,852	$153,254
Amount Collected	$ 36,649	$16,960	$ 47,491	$ 48,492

** Cases in which disciplinary action has been taken based on a violation(s) of the license practice act.*

Table 12. Restitution - NA

	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11
Amount Ordered	$0	$0	$ 0	$ 0
Amount Collected	$0	$0	$ 0	$ 0

Section 6 – Public Information Policies

How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board's Web site was created in July 1996, which is frequently updated to provide a variety of information for applicants, licensees, and the public. The Web site features links to the Board's laws and regulations, forms and publications, online license verification, statistical performance, Board activity, and links to related professions and associations. The Web site also offers a feature for individuals to enroll in the *Subscriber List* which provides an email notification to the subscriber when new information is added to the Web site.

All Board and committee meeting agendas and materials are posted on the Web site. Agendas are posted ten days in advance of the meeting in accordance with the Bagley-Keene Open Meeting Act (Government Code section 11120-11132). Since 2006, meeting materials and approved meeting minutes remain on the Board's Web site. Approved meeting minutes from 2000 to 2005 are also available on the Board's Web site. Draft meeting minutes from the previous meeting are included as an agenda item for approval in subsequent meetings. Once edits to minutes are completed, the approved meeting minutes are posted on the Web site.

Does the board webcast its meetings? How far in advance does the board post future meeting dates?

In 2010, two Board committee meetings were available via webcast. All committee and board meetings dates for the upcoming calendar year are posted two to three months prior to the end of the current calendar year.

Are the board's complaint disclosure policy consistent with DCAs complaint disclosure and public disclosure policies?

The Board provides consumers all the information available to them under the Public Records Act (Government Code section 6250-6270). Consistent with the Public Records Act, information regarding open or closed complaints and investigations in which a violation was not substantiated, will not be released to the public.

Complaints and investigations in which a violation is substantiated and the Board takes action by issuing a citation and fine or files an accusation, the citation and fine, accusation, and resulting disciplinary action are matters of public record. This information is available on the Board's Web site.

What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The public may access a licensee's record through our Web site. Using the online license verification feature, the public may view the issue and expiration date of the license; current license status; address of record, and any disciplinary action.

Upon written request and in compliance with the Public Records Act, information contained in the licensee's file that may be disclosed will be provided to the public.

What methods are used by the board to provide consumer outreach and education?

Since 2006, Board representatives have attended numerous events throughout the year to provide information to students, registrants, licensees, and consumers. California's effort to reduce government spending has reduced Board attendance at these events from 59 events attended in FY 2006/2007, to six (6) events in FY 2010/2011. Board publications for registrants, licensees, and consumers remain available on our Web site.

Section 7 – Online Practice Issues

Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate Internet business practices or believe there is a need to do so?

The Internet and computer technology are utilized by consumers and healthcare practitioners in a number of ways. Consumers are utilizing the Internet to obtain information on healthcare and the availability of psychotherapy services. Mental health professionals have also utilized computer technology in their practices as a psychotherapy modality. At this time, the Board does not have any mechanism to track the number of licensees providing online psychotherapy to determine the prevalence of online practice. Since the last review, the Board has only received a few complaints, which include allegations relating to online practice issues either by licensees or unlicensed individuals.

In 1996, legislation was passed (Senate Bill 1665, Chapter 864, Statutes of 2009) regarding out-of-state practitioners, consultations, professional education, and telemedicine. Pursuant to the Telemedicine Development Act, a health care practitioner may deliver medical services using interactive audio, video, or data communications without person-to-person contact with a patient.

In 1997, language was added (Senate Bill 922, Chapter 199, Statutes of 1997) to require health care practitioners, prior to delivery of service, to obtain verbal and written informed consent. The legislation also delineated the procedures required.

There has not been a demonstrated need to regulate internet business practices of Board licensees. The number of complaints received by the Board relating to online practice issues has not necessitated a change in policy. The Board will continue to regulate business practices within the Board's jurisdiction. The Board's Web site has a notice to consumers regarding online psychotherapy laws and regulations in an effort to inform those who choose to seek therapy or counseling over the Internet.

Section 8 – Workforce Development and Job Creation

What actions has the board taken in terms of workforce development?

The Board's work focuses on ensuring that individuals entering the mental health profession possess the requisite skills and knowledge to provide services to the diverse population of Californians who seek mental health treatment. These efforts are listed below.

- In 2005, the Board hosted the California's Diverse Mental Health Consumer conference.
- In 2007, the Board entered into a Memorandum of Understanding with the Department of Mental Health to seek ways to incorporate the Mental Health Services Act competencies into the curriculum of marriage and family therapy and clinical social work students.

The Board continues its ongoing discussions regarding use of the National Examinations for licensure in California for Social Workers and Marriage and Family Therapists, which will increase license portability.

Describe any assessment the board has conducted on the impact of licensing delays on job creation.

The Board has not conducted any assessment on the impact of licensing delays on job creation.

Describe any efforts that the board takes to alleviate negative impact of its regulatory mission on California business, including small and micro business.

The Board is not aware of any negative impacts from its regulatory mission.

Describe any partnering or information sharing the board has with other government agencies, such as Workforce Investment Boards or Office of Statewide Health Planning and Development.

The passage of the Mental Health Services Act (Proposition 63) in November 2004 afforded the Board the opportunity to partner with the Department of Mental Health. The Board's Mental Health Services Act Coordinator position was established with funds from the Mental Health Services Act to address workforce education and training.

Under the terms of the Memorandum of Understanding between the Board and the Department of Mental Health, the goals of the Mental Health Services Act Coordinator were as follows.

- Review and revise educational requirements for mental health professionals licensed by the Board with particular emphasis on Licensed Marriage and Family Therapists and Licensed Clinical Social Workers.
- Review and possibly revise examination requirements to become licensed as a Marriage and Family Therapist, Licensed Clinical Social Worker, and Licensed Educational Psychologist.

Through the partnership with the Department of Mental Health, Board registrants received information and resources related to loan repayment, stipends, and scholarship opportunities. Many of these opportunities were specific to underserved areas in California.

Describe the board's outreach to schools.

In FY 2005/2006, the Board established an outreach program specific to students. A Board representative traveled to schools to provide students information regarding required education, experience, and examinations for Board licensees.

The Board initially held 18 events in FY 2005/2006. Based upon the positive feedback from students and educators, the Board's outreach program grew to 59 events in FY 2006/2007 and averaged 52 events in FY 2007/2008 and 2008/2009. The Board staff continues to research viable options to continue its outreach program within the current budget and staffing constraints.

The Board developed several publications as resources for students, registrants, and examination candidates. The following publications are available on the Board's Web site.

Education Related

- *Marriage and Family Therapist Student Handbook*
- *Licensed Clinical Social Worker Student Handbook*

Experience Related

- *Marriage and Family Therapist Trainee and Intern Supervision Information*
- *A Guide to Supervision for Marriage and Family Therapist Interns and Trainees*
- *Associate Social Worker Supervision Information*
- *A Guide to Supervision for Associate Social Workers*

Examination Related

- *Marriage and Family Therapist Standard Written Examination Candidate Handbook*
- *Marriage and Family Therapist Written Clinical Vignette Examination Candidate Handbook*
- *Licensed Clinical Social Worker Standard Written Examination Candidate Handbook*
- *Licensed Clinical Social Worker Written Clinical Vignette Examination Candidate Handbook*
- *Licensed Educational Psychologist Examination Candidate Handbook*
- *Candidate Handbook for State Credentialing for the National Clinical Mental Health Counselor Examination (Licensed Professional Clinical Counselors)*

Consumer Related

- *Professional Therapy Never Includes Sex*
- *Self-Empowerment – Choosing a Mental Health Professional in California*

In 2010, the Board coordinated and participated in numerous workshops to provide training and technical assistance to Marriage and Family Therapist educators and schools to implement the curriculum revisions required for licensure effective August 1, 2012.

In 2011, the Board reviewed the curriculum for clinical counseling graduate programs. The purpose of the review was to identify graduate school programs that conformed with the laws related to Licensed Professional Clinical Counselor education requirements.

Provide any workforce development data collected by the board, such as workforce shortages and staffing needs, successful training programs, and number of jobs created by its licensure program.

California law requires a registration or license to engage in the practice of marriage and family therapy, clinical social work, or educational psychology. The following table reflects the number of initial registrations and licenses issued by fiscal year.

Fiscal Year	Marriage & Family Therapist Intern Registration	Associate Clinical Social Worker Registration	Licensed Marriage & Family Therapist (initial license)	Licensed Clinical Social Worker (initial license)	Licensed Education Psychologist (initial license)	Total Number of Licenses and Registrations
2005/2006	2800	1719	1147	650	67	6383
2006/2007	2935	1804	1370	585	79	6773
2008/2009	3193	2018	1307	713	111	7342
2009/2010	3357	2375	1391	986	62	8171
2009/2010	3248	2105	1274	861	82	7570

The Board collaborated with the Office of Statewide Health Planning and Development (OSHPD) to provide the following:

- Technical assistance to the federal government about the inability of most California licensed LMFTs and LCSWs to quality for the National Health Service Corps (NHSC) student loan repayment program. LCSWs now qualify for this program and LMFTs are under consideration for participation.
- Information to OSHPD that led OSHPD to allow California licensed LCSWs to be eligible for the 50% federally funded student loan program.
- Identify and publicize other external funding resources available to licensees, registrants and professional schools such as grants, stipends, and student loan repayment programs.

Section 9 – Current Issues

What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

Following approval of its regulatory package to implement the LPCC licensing program in May 2011, the Board initiated discussions to incorporate the Uniform Standards in the Board's Disciplinary Guidelines at the October 13, 2011, Policy and Advocacy Committee meeting.

On October 13, 2011, the committee directed staff to make any non-substantive changes to the proposed regulations and submit them to the Board. The Board will consider this regulation package at its November 2011 meeting.

What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

At the August 17-18, 2011, meeting, the Board discussed proposed amendments to its regulations that implement the provisions of the Consumer Protection Enforcement Initiative that do not require new statutory authority. The Board directed staff to make any non-substantive changes and submit the proposed regulations to the Office of Administrative Law.

Board staff will submit the rulemaking package to the Office of Administrative Law for initial notice by the end of 2011.

Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

The Board recognizes BreEZe as an important opportunity to improve Board operations to include electronic payments and expedite processing. Therefore, Board staff is a strong contributor and participant on the BreEZe project.

The Board's Staff Information Systems Analyst is designated as a Subject Matter Expert for the project. The Subject Matter Expert participates in developing and refining the process, which requires a significant time commitment.

On a smaller scale, but equally important, various Board staff members with extensive knowledge regarding the licensing, examination, cashiering and enforcement processes participated in numerous workgroups providing their expertise regarding the Board's business processes. Additionally, several Board staff members were assigned to participate in the workgroups to standardize forms, reports, and correspondences.

Describe the board's efforts to comply with OSHPD data collection efforts.

The current database system does not allow the Board to collect demographic information. The implementation of BreEZe may allow the Board to collect this information.

Describe the board's efforts to address unlicensed activity and the underground economy.

The Board provides several publications and information on its Web site relating to the selection of a mental health practitioner and verification of an individual's license status. Any complaint received by the Board related to unlicensed activity is investigated. Investigations confirming unlicensed activity are referred to the Attorney General or local District Attorney for appropriate action.

Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board sends No Longer Interested (NLI) notifications to DOJ both manually and electronically on an ongoing basis for registrations and licenses with a specific status. These statuses include, but are not limited to, cancellation, surrender, and revocation of a registration or license.

Due to current staff constraints, the Board currently has a 6 month backlog in submitting electronic NLI notifications to DOJ. However, when the Board receives CORI information on a licensee or registrant for whom the Board no longer wishes to receive information on, the Board immediately sends an NLI notification to DOJ.

Section 10 –
Board Action and Response to Prior Sunset Issues

Include the following:

- ***Background information concerning the issue as it pertains to the board.***
- ***Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.***
- ***What action the board took pursuant to the recommendation or findings made under prior sunset review.***
- ***Any recommendations the board has for dealing with the issue.***

ISSUE #1: Whether the state should continue to continue to regulate the profession of Behavioral Sciences.

2004 Committee Recommendation:
Regulation of the profession of Behavioral Sciences is clearly in the public interest, and should be continued.

2004 Committee Comments
"… The public is entitled to demand that mental health professionals such as those regulated by the Board follow the highest standards of behavior and are competent to engage in their sensitive and complex profession … Because of the possibility of serious and enduring harm to clients, the public expects that mental health professionals be regulated, monitored, and held accountable for any type of substandard practice. Because mental health professionals have access to highly confidential clients' information, the public expects that regulatory authorities will remove dishonest or incompetent practitioners."

Board Comments
The Board concurs with the committee's recommendation.

ISSUE #2: Whether the Board should allow licensees to fulfill all 36 hours of Continuing Education (CE) through only self-study.

2004 Committee Recommendation:
The committee did not make a recommendation.

2004 Committee Comments
"The Board permits licensees to obtain all 36 hours of CE by visiting internet sites, accessed remotely from their home or other location. They then need only certify to the Board that they have done this, without any further proof, and the Board does not do any additional auditing of these licensees certifications, beyond the auditing it does for participatory CE courses. This means fulfilling CE is, of course, highly convenient for licensees, and takes full advantage of the internet's interactive technology."

"…There are two potential problems with this. First, is there a greater potential for licensees to abuse this method of fulfilling CE? ...Second, in a profession that so heavily depends on human interaction, is it entirely appropriate that licensees be permitted to fulfill all of their CE requirements while sitting alone at home?"

" … If it is appropriate for licensees to fulfill all of their CE requirements by themselves, is there a consequent obligation for the Board to take additional efforts to confirm that licensees who have taken advantage of this form of CE are, in fact, providing accurate information to the Board?"

"…However, when all 36 hours are completed without any other human being ever seeing the licensee, should the Board either do more aggressive auditing or engage in some other form of confirmation?"

Board Response
On February 6, 2006, the Board responded to the Committee's concerns. A random survey of licensees who renewed their licenses between October 1, 2004, and April 1, 2005, revealed that of the 554 responses, only two percent (2%) completed the entire required CE through online courses. The Board concluded that the survey indicated that the Board's licensees favor traditional, classroom style courses, but that online courses remain a useful alternative.

The Board is currently in the process of reviewing its continuing education program.

ISSUE #3: Restitution – Whether the Board should have the authority to order restitution to consumers who have been seriously harmed by licensees.

2004 Committee Recommendation:
"In light of the fact that ALJs have the authority to award restitution in appropriate cases, and the fact that the Board has implicit authority to order this remedy in a stipulated settlement, it seems the Board's lack of explicit authority to ask for such remedy provides an unnecessary imbalance. However, the Board should not have to make such a request in every case, given the complexity of this remedy in the context of the Behavioral Sciences. The Board's authority should include the ability to request restitution in appropriate cases or in cases where there is reason to believe restitution would be substantial, or when such an award in the Board proceedings would serve the interest of justice in a particular case."

2004 Committee Comments
"The Board does not, itself, have the ability to order restitution to consumers harmed by licensees. However, the Board does have authority to request such an order from a Superior Court. (B&P Code sec. 125.5(b))"

"Restitution is a very particular kind of remedy. It is a form of equitable relief that (in present context) would require a licensee who has harmed a consumer to return any unjust enrichment or benefit he has gained from the harm he caused. It is different from, for example, punitive damages designed to punish a licensee. In the earlier common law, restitution meant "the return or restoration of a specific thing or condition." (Cal.Jur.3d, Restitution, sec.1, p. 398) However, there is also a broader modern "understanding" of restitution, which could sweep in other forms of damages."

"…B&P Code section 125.5 does not specify which of these definitions it intends, and no case precedent has apparently interpreted it."

"… The Board should have a broad array of available measures of damages, from which it may pick and choose in fashioning the most appropriate remedy in a particular case….in order to assure that all possible kinds of harm may be remedied…. In may be considered illogical for the Board to have this authority as a contractual matter in settlements (due to the Board's inherent power to settle cases on any terms agreeable to both parties), but lack the identical authority as part of its ordinary, statutory tools."

"…Moreover, particularly in light of the fragile nature of the consumers the Board deals with, requiring them to file an additional action in civil court to obtain restitution could appear unseemly or even cruel – particularly in light of the fact that the Board could include such an ward as part of an already-pending action against the licensee if given the statutory authority. To the extent the Board might not feel such a charge in a particular case was appropriate, the Board could, of course, omit a request for restitution in that case."

Board Response
The Board does not have the legislative authority to require restitution for consumers. However, the Board may consider seeking restitution for the complainant when negotiating a stipulated agreement. Historically, the Board has placed more importance on consumer safety and protection, and focuses on imposing discipline that either helps correct the problem through probation monitoring including remedial education,

supervised practice, etc., or in cases involving the most serious misconduct, removes the individual from the profession by revoking the license or registration held.

Due to the intangible nature of the services provided by Board licensees and registrants, it is difficult if not impossible to determine the monetary value of those services. The Board recognizes there are other avenues, such as civil or malpractice suits/actions, available to consumers who seek financial compensation from mental health professionals who have provided services that are believed to be inappropriate or harmful.

ISSUE #4: Whether the public would benefit by being able to learn from a licensee search through the Board's website of non-licensees who have been convicted of the unlicensed practice of psychology.

2004 Committee Recommendation:
The Board should work with DCA staff to determine an appropriate and efficient way for the public to learn over the Board's website that a non-licensee is continuing to engage in unlicensed practice after a conviction.

2004 Committee Comments
"When the public visits the Board's website, they may search for information about Board licensees, and find out if they have any record of discipline or criminal violations related to the practice of behavioral science… In addition, the Board investigates instances of the unlicensed practice of behavioral science. However, since anyone practicing without a license is, by definition, not a licensee, they do not technically fall within the Board's jurisdiction. Therefore, if the Board finds adequate evidence of unlicensed practice, it must refer the case to a local District Attorney for prosecution."

"Thus, it is possible that the current system may create unnecessary consumer confusion…. The licensee lookup feature on the Board's website only contains information about licensees; any member of the public who looked up the name of an unlicensed person on the Board's website would be able to learn that person does not have a license. However, the consumer would have no idea that the unlicensed person had already been convicted for unlicensed practice."

"…There is no public policy reason to exclude those who have been convicted of unlicensed practice from the database of the Board with jurisdiction over that practice."

"… This would be extremely relevant and important information for consumers who may have contact with such people….The Board would benefit from this kind of posting."
"…The largest part of the problem is that for its license search function the Board uses the DCA search engine, and the DCA keeps only information about licensees, based on their license number."

"…In light of the benefits to consumers, it should be well worth the time and effort to devise some solution to this problem."

Board Response
The Board may issue citations or cease and desist letters for unlicensed practice. In more egregious matters of unlicensed practice, referrals to the District Attorney's office are made so that criminal charges may be considered.

The Board utilizes an online license verification feature that was programmed by the Department of Consumer Affairs' Office of Information Services. This program or feature extracts public data from the licensing records and any resulting enforcement actions from its enforcement tracking system and moves the information to the "online license verification or web look-up program" that appears on our website. The program currently provided by DCA requires a license or registration number to be present, and does not have the ability to extract unlicensed records from the enforcement tracking system and transfer that data to the online license verification program.

Since 2004 DCA and the Board have initiated educational campaigns promoting the verification of a practitioner's license prior to engaging in services. These efforts focus on the requirement of licensure for the service offered. The Board believes the addition of information to the Board's website about individuals not licensed with the Board would cause confusion.

Section 11 – New Issues

List new issues raised in this report. Give a short discussion of the issues, recommendations, or actions which could be taken by the board, Department of Consumer Affairs, or Legislature to deal with issues discussed in this report, i.e., legislative changes, policy direction, budget changes.

New issues raised by the Committee to be addressed by the board in this report.

New issues identified by the board that are previously addressed in this report or by prior Sunset Review. Include new proposals for legislation, policy direction or budget changes.

Board Operations

The current constraints related to California's budget issues hinder the work of the Board. These constraints adversely affect the profession the Board regulates, the public and Board operations. The Board recognizes its fiscal responsibilities and supports efforts designed to improve California's economic environment. Yet, the Board has strong concerns when these efforts rise to a level that appears counter to its legislative mandate. The Board has consistently demonstrated its fiscal responsibility by operating well within its budget allocation, which is funded by the fees of applicants, registrants, and licensees.

The Board is mandated to employ its resources to license and examine the mental profession it regulates; enforce its laws designed to protect the public from unethical or unprofessional practitioners; and educate consumers Sufficient resources are necessary if the Board is to efficiently accomplish its work and legislative mandate.

Processing Times

The lack of sufficient staff to accomplish the Board's work is a significant issue. In addition to the constraints imposed by the hiring freeze, the Board's workload continues to increase due to its increasing licensee and registrant population. The addition of a new mental health licensing program has also strained the Board's existing resources. Together, these factors dramatically impact the Board's ability to provide essential and basic services, such as the timely renewal of a license.

The Board anticipates the implementation of the BreEZe system will improve processing times for the less complex applications such as licensure and registration renewal.

Examination Restructure and Workforce Development

Effective January 2013, the Board's examination program will be restructured. The timing of the Board's examinations is altered to require passage of a law and ethics examination prior to taking a clinical written examination. The restructure creates the framework to include use of a national examination in lieu of a California developed examination as the clinical written examination. This structure is similar to other state licensing boards and provides a greater opportunity for license portability.

The Board does not currently accept passage of a national examination for licensure as an LMFT or LCSW. Should the Board adopt use of a national examination for licensure for these mental health professions, it would remove a significant deterrent for out-of-state applicants; passage of two California-specific examinations for licensure. The Board considers the use of national examinations, if appropriate, a progressive step to increase the number of mental health professionals in California. To this end, the Board continues its work to assess the use of national examinations for licensure.

National Association Attendance

Understandably, the Board cannot attend all national association conferences or meetings related to the professions it regulates. Board decisions to utilize a national examination for licensure in California require attendance at conferences or meetings that discuss the national examination. The Board cannot provide the appropriate level of consumer protection achieved through an examination if the Board cannot actively participate in discussions and decisions related to the examination development process.

Many of these associations will sponsor one or two attendees. Thus, the benefits to California are dual. First, the state does not incur any travel costs associated as a result of the Board's attendance. Second, and more importantly, the public is assured that the national examination appropriately ensures that the candidate possesses the requisite skills and competence to practice safely in California.

Outreach Efforts

Since 2004, the Board has worked tirelessly to improve its relationships with licensees, applicants, consumers, and mental health associations. The Board created committees to work collaboratively with stakeholders to address concerns related to education and the examination process. School presentations and attendance at association meetings and conferences provided stakeholders a better understanding of California's examination process and licensure requirements.

The outreach efforts to schools and attendance at association meetings and conferences established a positive perception that a regulatory agency is accessible and willing to work collaboratively with stakeholders to achieve shared visions that benefit the profession and the public. However, the potential for erosion of these efforts is high under the current constraints.

Regulation of a profession involves more than just issuing licenses and disciplining those who violate the laws governing the profession. It is imperative that a regulatory agency is knowledgeable of the trends and issues in the profession. Further, consumer education regarding the standards of practice is a critical component to consumer protection.

The Board cannot achieve its goal to become a model state agency and provide the highest level of public protection if it is unable to actively participate in outreach events.

Continuing Education and Continuing Competency

Continuing education and continuing competency are methods by which a practitioner improves his or her competence and/or remains current in treatment modalities in their profession. The Board utilizes the continuing education model for its licensees.

The Board recognizes the limitations and acknowledges the concerns that were raised regarding its current Continuing Education Program. Initial research to address these limitations and concerns revealed more questions and topics for discussion than expected.

During the October 2011 Policy and Advocacy meeting, Board staff proposed establishing a subcommittee to work with stakeholders to thoroughly examine these issues and develop possible solutions to be presented to the Board for consideration. This framework provides a thoughtful and deliberate process to achieve a solution that addresses all concerns and enhances public protection. Board staff anticipates approval from the Board of its recommendation in late 2011 and expects the work to begin early 2012.

Section 12
Attachments

The following documents are contained in a separate notebook and are available upon request.

A. Board's Administrative Manual

- The Board Member Procedure Manual
- In 2009, all of the Board's procedural manuals were revised and created in a standard format. The manuals are updated as processes are revised for enhanced productivity. These manuals are available upon request.

B. Board and Committee Member Organizational Chart

Current organizational chart showing relationship of committees to the Board and membership of each committee

- 2011 Board and Committee Member Organizational Chart

C. Major studies

- 2005 Supervision Survey
- 2006 Demographic Survey
- 2008 Tracking the Licensing Process
- 2006 Marriage and Family Therapy Validation Report
- 2009 Licensed Educational Psychologist Validation Report
- 2010 Licensed Clinical Social Worker Validation Report

D. Year-end organizational charts

Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.)

- 2007/2008 Board Staff Organization Chart
- 2008/2009 Board Staff Organization Chart
- 2009/2010 Board Staff Organization Chart
- 2010/2011 Board Staff Organization Chart

E. Board's records retention schedule.

- 2009 Record Retention Schedule

F. Performance Measures

- Enforcement Performance Measures
  - First Quarter FY 2010/2011
  - Second Quarter FY 2010/2011
  - Third Quarter FY 2010/2011
  - Fourth Quarter FY 2010/2011
- Licensing Job Creation
  - Second Quarter FY 2010/2011
  - Third Quarter FY 2010/2011
  - Fourth Quarter FY 2010/2011
- DCA Annual Report – Includes Board of Behavioral Sciences information. The full report with all DCA Boards and Bureaus is available at http://www.dca.ca.gov/publications/reports.shtml
  - 2007/2008
  - 2008/2009
  - 2009/2010
  - 2010/2011