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**EXEMPT SETTING COMMITTEE MEETING NOTICE**  
**March 24, 2017**  
**1:30 p.m.**

Department of Consumer Affairs  
HQ2 Hearing Room  
1747 North Market Blvd. #186  
Sacramento, CA 95834

1. Call to Order and Establishment of Quorum
2. Introductions\*
3. Purpose of the Committee
4. Review of Other State Agencies' Definitions for Exempt and Private Practice Settings
5. Discussion Regarding Private Practice Definitions; Requirements Pertaining to Private Practice in California Law
6. Discussion and Possible Action Regarding Practice Settings for Trainees and Draft Survey Topics
7. Discussion and Possible Action Regarding Draft Survey Topics Related to Exempt and Private Practice Settings
8. Public Comment for Items not on the Agenda
9. Suggestions for Future Agenda Items
10. Adjournment

*\*Introductions are voluntary for members of the public*

*Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.*

*This agenda as well as Board meeting minutes can be found on the Board of Behavioral Sciences website at [www.bbs.ca.gov](http://www.bbs.ca.gov).*



Governor  
Edmund G. Brown Jr.  
State of California  
Business, Consumer Services  
and Housing Agency  
Department of  
Consumer Affairs

*NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*



Assembly Bill 705 (Ch. 218, Statutes of 2015) newly required unlicensed employees practicing psychology in an exempt setting to:

- Be supervised by a California-licensed psychologist
- Primarily be earning supervised professional experience hours towards licensure
- Gain licensure within a timeframe of five (5) years from the date of employment. Previously, BOP law did not specify a time frame, though Welfare and Institutions Code section 5751.5 and Health and Safety Code section 1277 (which apply to community mental health and health facilities) specify a limit of either three (3) or five (5) years, depending on the type of setting.

The BOP sponsored this bill with the intention of providing greater consumer protection to the vulnerable individuals being served in exempt settings, by making such employees subject to oversight and competency standards.

### **Private Practice Definitions - Other State Agencies**

Only one state out of the eight surveyed have a legal definition of “private practice”. It seems that most states instead rely on a common understanding of the term. In order to get a sense of what the professional community means by “private practice,” additional sources of information/definitions are included in **Attachment B** (*note – one additional definition was added for the March 2017 meeting, from the Board of Psychology*). Private practice definitions will be addressed further in agenda item #5.

### **ATTACHMENTS:**

**Attachment A: Summary of Other State Licensing Agency Exemptions**

**Attachment B: Other Private Practice Definitions**

## ATTACHMENT A: SUMMARY OF OTHER STATE LICENSING AGENCY EXEMPTIONS

→ EXEMPTION TYPE →	Accredited or Approved Colleges and Universities	Public Schools (K-12)	Private Schools	Government Entities	Nonprofits	Other Exempt Settings/Notes
↓ STATE or AGENCY ↓						
<b>CA Board of Behavioral Sciences</b>	YES	YES	YES	YES <sup>1</sup>	YES but only if also “charitable”	
<b>CA Board of Psychology</b>	YES <sup>2</sup>	YES <sup>2</sup>	NO	YES <sup>1,2</sup>	YES <sup>3</sup>	
<b>Arizona</b>	NO, except for students pursuing a counseling-related degree who are under supervision	NO	NO	YES, but only for certain specified agencies, and under certain conditions	NO	<ul style="list-style-type: none"> <li>• An agency licensed by the Dept. of Health Services, but only for certain types of employees</li> <li>• An agency licensed by the Dept. of Economic Security</li> <li>• A person contracting with the Supreme court or a person employed by or contracting with an agency under contract with the Supreme court, if under supervision and under certain conditions</li> <li>• A member run self-help or self-growth group if no member of the group receives compensation</li> </ul>

<sup>1</sup> Limitation on BBS/BOP government agency exemptions: California correctional facilities, certain health facilities, and local mental health programs are ONLY exempt if the employee is gaining experience required for licensure; allowed only for a limited time period.

<sup>2</sup> The exemption is limited to 5 years. Only permitted if the individual is 1) primarily gaining supervised experience toward licensure and 2) has a licensed psychologist supervisor who is also an employee of the setting. Students pursuing a psychology degree who are under supervision are also exempted.

<sup>3</sup> Must be a nonprofit community agency that receives a minimum of 25% funding from governmental sources other than Medi-Cal/Medicare; employee must register with the BOP as a “registered psychologist” and meet certain requirements. Functions are limited.

→ EXEMPTION TYPE →	Accredited or Approved Colleges and Universities	Public Schools (K-12)	Private Schools	Government Entities	Nonprofits	Other Exempt Settings/Notes
↓ STATE or AGENCY ↓						
Florida	YES	NO	NO	YES	YES, but only if services are provided to youth or families, and at no charge	<p>Any of the following if licensed by the Dept. of Public Health:</p> <ul style="list-style-type: none"> <li>• Developmental disability facility or program</li> <li>• Mental health facility</li> <li>• Alcohol or drug abuse facility</li> <li>• Child care or placement agencies</li> <li>• Certified domestic violence centers</li> </ul> <p>NOTES:</p> <ul style="list-style-type: none"> <li>• Except as stipulated by the board, the exemptions do not apply to any person whose license has been suspended or revoked by the board or another jurisdiction.</li> <li>• Persons in exempt settings shall meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including activities for which the person is not qualified.</li> </ul>

→ EXEMPTION TYPE →	Accredited or Approved Colleges and Universities	Public Schools (K-12)	Private Schools	Government Entities	Nonprofits	Other Exempt Settings/Notes
↓ STATE or AGENCY ↓						
<b>New York (added for March 2017 meeting)</b>	YES, except services limited to students, staff, family members (No restriction for students pursuing a counseling-related degree who are under supervision in an approved program)	YES, but only for special education schools. Such entities must obtain a waiver and meet certain standards; waived entities are subject to discipline and penalties		YES, but see Notes	YES, but only if a waiver is obtained and certain standards are met; waived entities are subject to discipline and penalties	<p>Prior to 2003, NYS only licensed psychologists – no other mental health professions. Psychotherapy could be performed by anyone as long as it did not interfere with the psychologist scope of practice. In 2003, LCSW, LMFT and LMHC license types were established and psychotherapy practice restricted to licensed professions.</p> <p>The law that created these new professions also provided a temporary exemption to licensure for entities regulated, operated, funded or approved by certain state agencies. This temporary exemption was set to expire in 2010, but as the date grew closer agencies requested an extension, which was granted to 2013. During the extension, the agencies were required to perform extensive workforce analyses. An additional extension was recently granted to 2018.</p>
<b>Ohio (added for March 2017 meeting)</b>	NO, except for students pursuing a counseling-related degree who are under supervision	YES, but must be certified by the Board of Education	YES, but must meet standards set by the Board of Education	YES, except for state agencies	American Red Cross only, if services relate to military families, veterans or disaster relief	County-approved programs that train individuals with mental retardation or other developmental disabilities

→ EXEMPTION TYPE →	Accredited or Approved Colleges and Universities	Public Schools (K-12)	Private Schools	Government Entities	Nonprofits	Other Exempt Settings/Notes
↓ STATE or AGENCY ↓						
<b>Oregon</b>	NO, except for students pursuing a counseling-related degree who are under supervision and are unpaid	NO	NO	YES	NO	<ul style="list-style-type: none"> <li>• A community mental health program licensed by the State</li> <li>• A drug/alcohol treatment program licensed by the State</li> </ul> <p>NOTES:</p> <ul style="list-style-type: none"> <li>• If the employee has a degree that qualifies for licensure, the exemption is limited to 2 years.</li> <li>• The exemptions do not apply to a person whose license to practice is revoked or suspended because the person engaged in sexual activity with a client.</li> </ul>
<b>Texas</b>	YES	YES	YES	YES	YES	
<b>Vermont (added for March 2017 meeting)</b>	NO*, except for students pursuing a counseling-related degree who are under supervision	NO*	NO*	NO*, except for the Agency of Human Services	NO*	*While Vermont does license mental health professionals, licensure is NOT required in order to practice psychotherapy. Unlicensed individuals must submit their information to the licensure board for entry on a public roster of unlicensed psychotherapists. Individuals whose license was suspended or revoked are not eligible. Unlicensed individuals are held to standards of professional conduct and are subject to discipline.
<b>Virginia</b>	NO, except for students pursuing a counseling-related degree who are under supervision	NO	NO	YES, including agencies funded, in whole or part, by the government	YES	<ul style="list-style-type: none"> <li>• An agency sponsored or funded, in whole or part, by a community-based citizen group or organization</li> </ul>



## ATTACHMENT B: OTHER PRIVATE PRACTICE DEFINITIONS

State/Agency	Private Practice Definition
<b>CA Board of Behavioral Sciences</b>	LCSW law only: A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
<b>CA Board of Psychology</b>	BOP regulations (16 CCR 1387(b)(11)) require a psychological assistant in a private practice setting to submit a plan for supervised experience to the Board. A private practice setting is defined as a psychological corporation or a medical corporation, with the exception of a nonprofit corporation supported by donations, or a clinic that provides mental health services under contract to a local mental health agency (Note: The BOP is currently pursuing changes to this section that would delete this definition and make other changes).
<b>AZ, FL</b>	None
<b>NY</b>	None in law, but the licensing website provides the following definition: <ul style="list-style-type: none"> <li>• Occurs when any licensee commences practicing for profit absent any planned corporate structure.</li> <li>• The practitioner is responsible independently for his/her professional actions which result in charges of professional misconduct and civilly liable for his/her actions and those of any employee</li> </ul>
<b>OH</b>	"Private practice" and "private practitioner" mean an individual who independently, in partnership, or in corporation practices counseling, social work, or marriage and family therapy and sets up his/her own condition of exchange with those clients, and identifies himself/herself in any manner as a counselor, social worker, or marriage and family therapist in offering such services.
<b>OR, TX, VT, VA</b>	None
<b>CAMFT, AAMFT, ACA, NBCC</b>	None
<b>NASW</b>	Private practitioners are social workers who, wholly or in part, practice social work outside a governmental or duly incorporated voluntary agency, who have responsibility for their own practice and set up conditions of exchange with their clients, and identify themselves as social work practitioners in offering services.
<b>Association of Social Work Boards Model Law</b>	Private Practice means the provision of Clinical Social Work services by a licensed clinical social worker who assumes responsibility and accountability for the nature and quality of the services provided to the Client in exchange for direct payment or third-party reimbursement.
<b>Mosby's Medical Dictionary</b>	The work of a professional health care provider who is independent of economic or policy control by professional peers except for licensing and other legal restrictions; To engage in one's profession as an independent provider rather than as an employee.
<b>National Health Service Corps</b>	Solo or Group Private Practice – A clinical practice that is made up of either one or many providers in which the providers have ownership or an invested interest in the practice. Private practices can be arranged to provide primary medical, dental and/or mental health services and can be organized as entities on the following basis: fee-for-service; capitation; a combination of the two; family practice group; primary care group; or multi-specialty group.

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# Memo

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**To:** Exempt Setting Committee Members **Date:** March 14, 2017

**From:** Christy Berger **Telephone:** (916) 574-7817  
Regulatory Analyst

**Subject:** **Private Practice Definitions; Requirements Pertaining to Private Practice in California Law**

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## California Law Re: Private Practices

The following laws under the Business and Professions Code (BPC) apply to “private practice”:

- Prohibits a licensee who has been granted a renewal waiver due to being on active military duty from working in a private practice while holding the waiver. (BPC section 114.3)
- Prohibits anyone from working in a private practice until registered with the Board as an MFT or PCC intern or Associate Clinical Social Worker (ASW). (BPC sections 4980.43, 4996.23, 4999.34, 4999.44, 4999.45 and 4999.46)
- Requires an MFT Intern or PCC Intern working in a private practice to be under the direct supervision of a qualified supervisor who is either employed by and practices at the same site as the intern’s employer, or who is an owner or shareholder of the private practice. (BPC section 4980.43, Title 16, California Code of Regulations (16CCR) sections 1820 and 1833)
- Allows MFT and PCC Trainees or Interns who serve as volunteers and provide services in any setting other than a private practice to be considered employees and not independent contractors if they receive no more than \$500 per month in reimbursement of expenses. (BPC sections 4980.43 and 4999.47)
- Prohibits an LMFT, LCSW, or LPCC in private practice from employing, at any one time, more than three BBS registrants. (BPC sections 4980.45, 4996.24 and 4999.455)

- Subjects LMFT, LCSW and LPCC professional corporations to all laws governing experience and supervision gained in a private practice setting. (BPC sections 4980.45, 4996.24 and 4999.455)
- Prohibits a LMFT or LCSW who conducts a private practice under a fictitious business name from using a name which is false, misleading or deceptive, and requires informing clients of the name and license type of the practice owner(s). (BPC sections 4980.46, 4992.10 and 4999.72)
- Prohibits an MFT Intern, ASW or PCC Intern from being employed or volunteering in a private practice after the initial six-year registration runs out. (BPC sections 4984.01, 4996.28, 4999.45 and 4999.100)
- States that it is unprofessional conduct for an LEP, when employed by another person or agency, to encourage the employer's or agency's clientele to use his or her private practice for further counseling without the approval of the employing agency or administration. (BPC section 4989.54)
- Excludes private practices from the definition of "community mental health setting" in LPCC law. (16CCR section 1820)

### **Private Practice Definitions**

See **Attachment A** for definitions of "private practice" from a variety of sources. This is the same chart from agenda item number four (4).

Some of the themes that appear in the various definitions of private practice in Attachment A are as follows:

- Has ownership and responsibility for the practice and is not an employee
- Receives direct payment or third-party reimbursement
- Practices outside of a governmental or nonprofit agency

### **Development of a Private Practice Definition in BBS Law**

At some point, the Committee should begin formulating a legal definition of "private practice" for inclusion in BBS statutes. Staff recommends that the Committee wait until the results of the Exempt Settings Survey (to be discussed under agenda item 7) have been received and compiled, as the survey is designed to obtain information that will be helpful in formulating such a definition.

### **ATTACHMENTS:**

**Attachment A: Private Practice Definitions**

**Attachment B: California Law Pertaining to Private Practices**

## ATTACHMENT A: OTHER PRIVATE PRACTICE DEFINITIONS

State/Agency	Private Practice Definition
<b>CA Board of Behavioral Sciences</b>	LCSW law only: A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.
<b>CA Board of Psychology</b>	BOP regulations (16 CCR 1387(b)(11)) require a psychological assistant in a private practice setting to submit a plan for supervised experience to the Board. A private practice setting is defined as a psychological corporation or a medical corporation, with the exception of a nonprofit corporation supported by donations, or a clinic that provides mental health services under contract to a local mental health agency (Note: The BOP is currently pursuing changes to this section that would delete this definition and make other changes).
<b>AZ, FL</b>	None
<b>NY</b>	None in law, but the licensing website provides the following definition: <ul style="list-style-type: none"> <li>• Occurs when any licensee commences practicing for profit absent any planned corporate structure.</li> <li>• The practitioner is responsible independently for his/her professional actions which result in charges of professional misconduct and civilly liable for his/her actions and those of any employee</li> </ul>
<b>OH</b>	"Private practice" and "private practitioner" mean an individual who independently, in partnership, or in corporation practices counseling, social work, or marriage and family therapy and sets up his/her own condition of exchange with those clients, and identifies himself/herself in any manner as a counselor, social worker, or marriage and family therapist in offering such services.
<b>OR, TX, VT, VA</b>	None
<b>CAMFT, AAMFT, ACA, NBCC</b>	None
<b>NASW</b>	Private practitioners are social workers who, wholly or in part, practice social work outside a governmental or duly incorporated voluntary agency, who have responsibility for their own practice and set up conditions of exchange with their clients, and identify themselves as social work practitioners in offering services.
<b>Association of Social Work Boards Model Law</b>	Private Practice means the provision of Clinical Social Work services by a licensed clinical social worker who assumes responsibility and accountability for the nature and quality of the services provided to the Client in exchange for direct payment or third-party reimbursement.
<b>Mosby's Medical Dictionary</b>	The work of a professional health care provider who is independent of economic or policy control by professional peers except for licensing and other legal restrictions; To engage in one's profession as an independent provider rather than as an employee.
<b>National Health Service Corps</b>	Solo or Group Private Practice – A clinical practice that is made up of either one or many providers in which the providers have ownership or an invested interest in the practice. Private practices can be arranged to provide primary medical, dental and/or mental health services and can be organized as entities on the following basis: fee-for-service; capitation; a combination of the two; family practice group; primary care group; or multi-specialty group.

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## ATTACHMENT B

# California Law Pertaining to Private Practices

## BUSINESS AND PROFESSIONS CODE EXCERPTS

### §114.3 MILITARY RENEWALS

(a) Notwithstanding any other provision of law, every board, as defined in Section 22, within the department shall waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, for any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if all of the following requirements are met:

(1) The licensee or registrant possessed a current and valid license with the board at the time he or she was called to active duty.

(2) The renewal requirements are waived only for the period during which the licensee or registrant is on active duty service.

(3) Written documentation that substantiates the licensee or registrant's active duty service is provided to the board.

(b) (1) Except as specified in paragraph (2), the licensee or registrant shall not engage in any activities requiring a license during the period that the waivers provided by this section are in effect.

(2) If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no **private practice** of any type shall be permitted.

(c) In order to engage in any activities for which he or she is licensed once discharged from active duty, the licensee or registrant shall meet all necessary renewal requirements as determined by the board within six months from the licensee's or registrant's date of discharge from active duty service.

(d) After a licensee or registrant receives notice of his or her discharge date, the licensee or registrant shall notify the board of his or her discharge from active duty within 60 days of receiving his or her notice of discharge.

(e) A board may adopt regulations to carry out the provisions of this section.

(f) This section shall not apply to any board that has a similar license renewal waiver process statutorily authorized for that board.

### LMFT

### §4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

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

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

(C) Is not a **private practice** owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

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

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

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

(2) An applicant shall not be employed or volunteer in a **private practice**, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.

(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in **private practice** shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the **private practice**. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.

(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a **private practice** shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

#### **§4980.45. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS**

(a) A licensed professional in **private practice** who has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that **private practice**.



(b) A marriage and family therapy corporation may employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03. In no event shall any marriage and family therapy corporation employ, at any one time, more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the marriage and family therapy corporation and shall be actively engaged in performing professional services at and for the marriage and family therapy corporation. Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a **private practice** setting.

#### **§4980.46. FICTITIOUS BUSINESS NAMES**

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

#### **§4984.01. INTERN REGISTRATION; DURATION; RENEWAL**

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

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

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

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

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

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

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described

in Section 4980.399. An applicant who is issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a **private practice**.

## LEP

### **§4989.54. UNPROFESSIONAL CONDUCT**

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

## LCSW

### **§4992.10. FICTITIOUS BUSINESS NAME**

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

### **4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002**

(h) Employment in a **private practice** as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A **private practice** setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

### **§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS**

(a) A licensee in **private practice** who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that **private practice**.

(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.

(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor

supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a **private practice** setting.

#### **§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL**

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

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

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

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

(4) On and after January 1, 2016, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09.

(b) A registration as an associate clinical social worker may be renewed a maximum of five times. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a **private practice**.

### **LPCC**

#### **§4999.34. PRACTICUM AND FIELD EXPERIENCE; SETTING REQUIREMENTS; TRAINEE**

A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling and psychotherapy.

(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

(c) Is not a **private practice**.

(d) Experience may be gained by the clinical counselor trainee solely as part of the position for which the clinical counselor trainee volunteers or is employed.

#### **§4999.44. PROFESSIONAL EXPERIENCE; SETTING REQUIREMENTS; REGISTERED INTERN**

An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:

- (a) Lawfully and regularly provides mental health counseling or psychotherapy.
- (b) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).
- (c) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.
- (d) An intern shall not be employed or volunteer in a **private practice** until registered as an intern.

#### **§4999.45. INTERN EMPLOYMENT; DUTIES, RESPONSIBILITIES AND LIMITATIONS**

- (a) An intern employed under this chapter shall:
  - (1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.
  - (2) Not be employed or volunteer in a **private practice** until registered as an intern.
  - (3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.
  - (4) Renew annually for a maximum of five years after initial registration with the board.
- (b) When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a **private practice**.

#### **§4999.455. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS**

- (a) A licensed professional in **private practice** who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that **private practice**.

(b) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation. Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a **private practice** setting.

#### **§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE JANUARY 1, 2016**

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a **private practice** until registered as an intern by the board.

#### **§4999.47. EMPLOYMENT; TRAINEE, REGISTERED INTERN AND APPLICANTS; REMUNERATION**

(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a **private practice** shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

#### **§4999.72. FICTITIOUS BUSINESS NAME**

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

## **§4999.100. EXPIRATION OF INTERN REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION**

(a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

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

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

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

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The intern registration may be renewed a maximum of five times. Registration shall not be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a **private practice**.

## **LPCC**

### **1820. EXPERIENCE**

(d) The term "community mental health setting," as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:

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

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,

(4) Is not a **private practice** owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.

(3) In a setting which is not a **private practice**, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the intern's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern.

(f) When an intern employed in **private practice** is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

### **1821. REQUIREMENTS FOR SUPERVISORS**

(f) In any setting that is not a **private practice**, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.

(b)(4) In a setting which is not a **private practice**, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer: (A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

## **LMFT**

### **1833. EXPERIENCE**

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in **private practice** is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a **private practice**. (3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

### **1833.1. REQUIREMENTS FOR SUPERVISORS**

(e) In any setting that is not a **private practice**, a supervisor shall evaluate the site(s) where a trainee or intern will be gaining hours of experience toward licensure and shall determine that:

- (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and
- (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.





a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

### LPCC Trainees

A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following (BPC §4999.34)

- (A) Lawfully and regularly provides mental health counseling and psychotherapy.
- (B) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.
- (C) Is not a private practice.

### LCSW Interns

LCSW law is less specific about the settings for interns. However, it states that employment in a private practice shall not commence until the applicant has been registered as an associate. A private practice is defined as a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions. (BPC §4996.23(h) and (i)).

This implies that LCSW interns may not work in a private practice.

### **Requirements for Trainee Settings in Sections 4980.42 and 4999.34**

The Board does not approve trainee settings, register trainees or have jurisdiction over them in the settings in which they are working. For LMFT and LPCC trainees, the law requires the following (BPC §§4980.42, 4999.36):

- Experience gained as a trainee to be coordinated between the school and the site where the trainee will be working.
- The school must approve each site, and have a written agreement with each site detailing each party's responsibilities, including the methods of supervision.
- The written agreement must provide for regular progress reports and evaluations of the student's performance at the site.

### **Feedback from Schools**

Board staff has received feedback from several schools about various challenges and uncertainties they encounter when finding and approving settings for their trainees. In order to further gain an understanding of these difficulties, and to identify issues that may be able to be addressed by the Exempt Setting Committee, staff reached out to several school representatives via the MFT consortiums. In general, there appear to be two main concerns: 1) Whether the

setting is appropriate due to its ownership or profit status; and 2) Whether the setting provides appropriate services. Below is a sampling of the concerns cited:

#### Questions About Acceptability of the Setting Due to its Ownership or Profit Status

- There doesn't seem to be a clear definition of a "private practice".
- Substance abuse treatment programs that aren't non-profits (501c3)
- A site/setting is a licensed facility by the state of California (i.e. alcohol and drug treatment), but is owned by a licensed individual/group.
- The site is an out-of-state corporation, but has a location(s) in California – and is licensed by the state.
- Nonprofit programs within a for-profit agency (shared supervisor resources and staff for both programs)
- Autism spectrum settings which are not specifically listed as LLCs, but are difficult to identify.
- Drug and alcohol placement settings which are very large, but owned and operated by CAADAC/NAADAC, or other licensed professional groups but consider themselves not to be private practices because they may have multiple locations, etc.

#### Questions About Acceptability of the Setting Because of the Type of Services it Provides

- A site/setting which normally hasn't offered therapeutic services, but would like to add that service for their clients (i.e. ABA sites who also want to offer psychotherapy/family therapy for the clients and families, not just ABA)
- How does a school "prove" that a site lawfully and regularly provides mental health counseling or psychotherapy? (CAMFT recommended they get a copy of their Articles of Incorporation, but most of them are not specific (i.e. they are a corporation that can do business, but not banking).)
- Autism Spectrum Disorder related therapy service

#### **Draft Survey**

In consultation with the Office of Professional Examination Services, staff has developed a draft survey that would be provided to site placement coordinators for students in MFT and LPCC degree programs. The goal of the survey is to obtain information that will help determine whether current laws pertaining to MFT or PCC Trainees need to be changed. See **Attachment B** for the draft survey, for the Committee's review and feedback.

#### **ATTACHMENTS:**

**Attachment A:** Sample Written Agreements Between Trainees, Schools, and the Practicum Site

**Attachment B:** Draft survey for Trainee Placement Coordinators

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**GRADUATE PROGRAM IN CLINICAL PSYCHOLOGY**  
55 FAIR DRIVE • COSTA MESA • CA • 92626 • 714-619-6450  
**PRACTICUM SITE AGREEMENT**

Trainee Name: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: (     ) \_\_\_\_\_ Email: \_\_\_\_\_

- |                 |   |   |
|-----------------|---|---|
| Type of agency: | <input type="checkbox"/> Governmental entity                            | <input type="checkbox"/> School, college or university                                    |
|                 | <input type="checkbox"/> Nonprofit corporation                          | <input type="checkbox"/> Licensed health facility   |
|                 | <input type="checkbox"/> Social rehabilitation facility                 | <input type="checkbox"/> Community treatment facility                                     |
|                 | <input type="checkbox"/> Pediatric day health and respite care facility | <input type="checkbox"/> Licensed alcoholism or drug abuse recovery or treatment facility |

**The Site agrees to:**

- 1) Provide the trainee with the opportunity to conduct psychotherapy with clients in a setting that lawfully and regularly provides mental health counseling or psychotherapy. Typically trainees will have the opportunity to gain 5-10 client hours per week.
- 2) Ensure the trainee will have experience with individual clients which allow the student to fulfill academic requirements common to Master's Level programs.
- 3) Provide licensed supervisors who will be able to conduct one hour of individual or two hours of group supervision per week per five hours of client contact.
- 4) Allow audio or video recording with the appropriate signed releases from clients. *circle each*
  - a) Trainee is allowed to video record client's face. Yes    No
  - b) Trainee is allowed to record clients at **any** location to which they may be assigned. Yes    No
  - c) Trainee has been notified about any limitations to recording sessions with specific clientele or at specific locations. Yes    No
- 5) Indemnification/Hold Harmless: Site shall defend, indemnify and hold Vanguard University of Southern California, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of Vanguard University of Southern California's students in performance of this Agreement, except for injuries and damages caused by the sole negligence of Vanguard University of Southern California.
- 6) Contact the Director of Clinical Training or Assistant Director of Vanguard's graduate program with any concerns.

**The Supervisor agrees to:**

1. Meet all of the applicable requirements listed on the "Responsibility Statement for Supervisors". Sign and return the original form to the Trainee.
2. Complete a Trainee Evaluation form each semester, review it with the trainee.
3. Provide one hour of individual or two hours of group supervision per week per five hours of client contact.
4. Complete any Board of Behavioral Sciences required forms and documentation.
5. Contact the Director of Clinical Training or Assistant Director of Vanguard's graduate program with any concerns.

**Trainee agrees to:**

1. Perform all duties required by the site while staying within their scope of practice. Trainees will also uphold all ethical and legal standards for therapist/counselor trainees as set by the State of California and professional organizations.
2. Submit all required placement and documentation forms to the graduate program.

---

---

## PRACTICUM SITE AGREEMENT

Trainee Name: \_\_\_\_\_

Agency Name: \_\_\_\_\_

---

I agree to all the above terms and conditions for trainee placement and supervision:

**AGENCY:**

\_\_\_\_\_

Agency Representative Name/Position

Signature

Date

**SUPERVISOR:**

License # \_\_\_\_\_ Original Issuance Date \_\_\_/\_\_\_/\_\_\_ Type of License \_\_\_\_\_

\_\_\_\_\_

Supervisor Name

Signature

Date

**TRAINEE:**

\_\_\_\_\_

Trainee Name

Signature

Date



# MFT Four Way Clinical Training Agreement

2500 E Nutwood Ave.  
Fullerton, CA 92831  
714-879-3901  
Fax: 714-681-7226  
Email: grad-admissions@hiu.edu

Date: \_\_\_\_\_

Trainee's Name: \_\_\_\_\_ Email Address: \_\_\_\_\_

Clinical Training Site: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person for the Site: \_\_\_\_\_ Email Address: \_\_\_\_\_

Clinical Training Site Supervisor: \_\_\_\_\_ Email Address: \_\_\_\_\_

In accordance with California law and the BBS regulations, this document serves as the written agreement between Hope International University, the trainee, the clinical training site, and the clinical supervisor.

The following core educational outcomes are emphasized within Hope International University's MFT program:

- 1. Knowledge:** Student will demonstrate essential knowledge (1) related to clinical case conceptualization, diagnosis, intervention, and the use of community mental health resources, (2) knowledge of the principles of marriage and family therapy, and (3) to write and articulate their personal theoretical model for therapy.
- 2. Professionalism:** Student will demonstrate skills that reflect high standards of professionalism and commitment to ethical and professional behavior consistent with the standards of counseling and psychology and Christian principles.
- 3. Clinical:** Student will demonstrate clinical skills and the ability to apply innovative therapeutic techniques to meet the diverse needs of individuals and families.
- 4. Research:** Student will be able to critically evaluate and conduct clinical research related to all aspects of therapy ensuring the highest quality of therapeutic skill.

**Instructions for the MFT Trainee:** After you have read and signed this agreement, take this to the director of your clinical training site, then to your clinical supervisor for them to read and sign. Once all parties have signed this agreement, then you must submit this document to the clinical training coordinator prior to accruing hours. The clinical training coordinator will provide an electronic copy to the trainee, site director and/or clinical site supervisor for their records.

## SECTION I. RESPONSIBILITIES OF THE INVOLVED PARTIES

### Hope International University

1. Shall evaluate and approve the placement of each trainee at the clinical training site.
2. Shall have this written agreement with the site, supervisor and trainee that details each party's responsibility, including the methods by which supervision will be provided.
3. Shall coordinate the terms of this agreement with each of the named parties.
4. Shall provide forms for the evaluation of the student's performance at each clinical training site.
5. Shall direct the student to comply with all ethical and professional standards of the American Association of Marriage and Family Therapists and with all existing pertinent rules and regulations of the clinical training site.
6. Shall refer to the clinical training site only those students who have satisfactorily completed the prerequisite academic portion of the curriculum and meet the requirements for clinical training set forth by the BBS and the University.
7. Shall evaluate the appropriateness of the clinical training site experience for each trainee in terms of the educational objectives, clinical appropriateness, and scope of the license of a Marriage and Family Therapist (MFT).
8. Shall require that each student gaining clinical hours in a clinical training site procure professional liability insurance.
9. Shall be responsible for the coordination of this arrangement between students and clinical training sites.
10. Shall make no distinction among students covered by the agreement on the basis of race, color, sex, creed, age, handicap, or national origin.

\_\_\_\_\_ Initials of the clinical training coordinator of Hope International University

## The Clinical Training Site

1. Shall designate a training coordinator or staff member who will be responsible for planning and overseeing the student's clinical training experience.
2. Shall provide the trainee and the supervisor with the documentation necessary to verify to the Board of Behavioral Sciences (BBS) that the placement is one that is named in the law as appropriate for a MFT trainee, and that the Experience Verification form may include the agency's 501c3, 1250, 1250.2 or 1250.3.
3. Shall evaluate the qualifications and credentials of any employee who provides supervision to the MFT trainee.
4. Shall provide adequate resources for the trainee and the supervisor in order that they may provide clinically appropriate services to the clients.
5. Shall inform the student of the clinical training site's existing pertinent policies, procedures, rules and regulations with which the student is expected to comply, and to otherwise orient the student to the site and its operations.
6. Shall advise the University promptly of any serious deficit noted in the ability of the student to progress toward completion of the clinical training experience. It will then be the responsibility of the University and the clinical training site to attempt to devise a plan by which the student may be assisted to achieve the objective of the clinical training experience.
7. Shall have the right to terminate any student whose performance is determined to be detrimental to the well-being of clients, whose conduct is knowingly unethical, unprofessional, or whose performance is determined to be so substandard that additional guidance is not likely to help the student toward achievement of clinical training objectives. Prior to terminating the student, the site agrees to confer with the University's clinical training director to discuss the reasons for the planned termination.
8. Shall provide the trainee and the supervisor with an emergency response plan, which assures the personal safety and security of the trainee, supervisor, and trainee's clients in the event of a fire, earthquake or other disaster.
9. Shall be familiar with the laws and regulations that govern the practice of Marriage and Family Therapy in the State of California, and in particular those that directly affect the MFT trainee.
10. Shall provide the qualifying degree program with a photocopy of the current license of each supervisor who will be supervising the degree program's trainee.
11. Shall provide the qualifying degree program with whatever documents are necessary to assure that the trainee's performance of duties conforms to the BBS laws and regulations.
12. Shall advise the University immediately of any changes in its personnel, policies, or operations which may significantly affect the clinical training or ability to count hours gained at the site.
13. Shall make no distinction among students covered by the agreement on the basis of race, color, sex, creed, age, handicap, or national origin.

\_\_\_\_\_ Initials of the representative of the clinical training site

## The Supervisor

1. Shall be responsible for assuring clinical experience gained by the trainee is within the scope of Marriage and Family Therapy practices.
2. Shall sign and abide by the BBS's "MFT Responsibility Statement" for Supervisors of the MFT license.
3. Shall complete the BBS's "MFT Experience Verification Form" required for licensure.
4. Shall provide regular progress reports and evaluations of the student's performance at the site to the qualifying degree program at the end of each semester (approximately once every 16 weeks).
5. Shall abide by the ethical standards promulgated by the professional association to which the supervisor belongs (e.g., AAMFT, CAMFT, APA, etc.).
6. Shall review and sign the BBS's "Weekly Summary of Hours of Experience" log on a weekly basis.
7. Shall provide the University with a current copy of his or her current license and resume, and notify the qualifying degree program and the trainee immediately of any action that may affect his or her license or lapse in license.
8. Shall be familiar with the laws and regulations that govern the practice of Marriage and Family Therapy in the State of California, and in particular those that directly affect the MFT trainee.
9. Shall provide the trainee with one (1) hour of individual or two (2) hours of group supervision for every five (5) hours of client contact provided by the trainee. This may be averaged over the duration of the time at the clinical training site.
10. Shall provide the trainee with a policy and procedure for crisis intervention and other client/clinical emergencies, in particular those that are mandated by law (e.g., child abuse, danger to self, others, etc.).
11. Shall make no distinction among students covered by the agreement on the basis of race, color, sex, creed, age, handicap, or national origin.

\_\_\_\_\_ Initials of the clinical supervisor

Initials of other clinical supervisors for MFT trainee

***\*If more than one clinical supervisor will be working with the trainee, then all clinical supervisors should initial.***

\_\_\_\_\_ Initials

\_\_\_\_\_ Initials

\_\_\_\_\_ Initials



## The Trainee

1. Shall have each supervisor complete and sign the BBS's "MFT Responsibility Statement" before gaining supervised experience and keep this document for their records.
2. Shall maintain the BBS's "Weekly Summary of Hours of Experience" log of all hours of experience gained toward licensure.
3. Shall be responsible for learning the policies of the clinical training site, which govern the conduct of regular employees and trainees, and for complying with such policies.
4. Shall be responsible for evaluating his or her clinical training site experience and submitting the evaluation to the qualifying degree program.
5. Shall be responsible for notifying the qualifying degree program in a timely manner of any professional or personal difficulties which may affect the performance of his or her professional duties and responsibilities.
6. Shall abide by the ethical standards of the American Association of Marriage and Family Therapists and the policies of the University.
7. Shall maintain CAMFT membership and professional liability insurance while working at a clinical training site.
8. Shall have the supervisor sign the BBS's "MFT Experience Verification" which verifies all of the hours gained at this site for licensure.

\_\_\_\_\_ Initials of the trainee

## SECTION II. METHODS OF SUPERVISION

**Instructions to the Supervisor:** Section II of this agreement will serve to inform the trainee about the methods the supervisor will use to monitor the quality of his or her performance with their clients. (*Note: Supervision must include direct observation, audio and/or video recording.*) Check all that apply:

- \_\_\_ Direct Observation
- \_\_\_ Audio Tape
- \_\_\_ Video Tape
- \_\_\_ Process and Progress Notes
- \_\_\_ Student Verbal Report
- \_\_\_ Role Play
- \_\_\_ Other (Describe):

## SECTION III. ADDITIONS

### *a. Termination*

The expectation of all parties is that this agreement will be honored mutually. Termination of this agreement with cause shall be in accordance with the academic policies of the qualifying degree program or the employment or volunteer policies of the clinical training site. Any party may terminate this agreement without cause by giving all other parties 30 days' notice of the intention to terminate. Termination of the trainee or supervisor's employment or this agreement must take into account the clinical necessity of an appropriate termination or transfer of clients. In any case, it is assumed that if there is an early termination of this agreement on the part of the trainee, the clinical training site, or the supervisor, such a decision must include prior consultation with the qualifying degree program.

### *b. Changes in the Agreement*

This agreement may be amended in writing and the amendment must be signed by each party.

### *c. Risk and Liability Notification*

The qualifying degree program requires that each trainee procures professional liability insurance before working with clients in a clinical training site. The clinical training site assumes all risk and liability for the student's performance of services while at the site.

## SECTION IV. TERMS OF THE AGREEMENT

From \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (to be filled in by the site)

**SECTION V. SIGNATURES**

**I. Director/Coordinator at the Clinical Training Site:**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**II. Clinical Training Site Supervisor**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**III. Trainee:**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**IV. University's Clinical Training Coordinator:**

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please attach a photograph of yourself (passport size) at the time you submit this to the MACLP Clinical Training Department.**

**Attach head and  
shoulders photo here  
(affix with tape or staple  
only; do not use glue)**

This document must be completed and on file in the Clinical Training Coordinator's (CTC) office before the Trainee's hours may count towards MFT licensure! *Pepperdine has no authority to approve hours.* Pepperdine is only responsible for coordinating students' clinical experience. Thus, we do our best to find sites whose clientele and methods of practice fall within the scope of the MFT license. Under penalty of perjury supervisors attest that they are legally suitable to supervise MFT Trainees and that they will insure that their Trainees practice within the law. Pepperdine assumes no responsibility for the

loss of hours caused by misstatements, incorrect information and/or negligence on the part of a supervisor and/or agency director. Approval of hours is, and always has been, the purview of the Board of Behavioral Sciences.

**PEPPERDINE UNIVERSITY**

Graduate School of Education and Psychology

Evening Format

Agreement between the

**QUALIFYING DEGREE PROGRAM, DIRECTOR OF FIELDWORK SETTING,  
SUPERVISOR, and MFT TRAINEE**

***"4 - Way Agreement"***

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street, City & Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Mobile Phone: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Street: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

**MFT LAW:** Section 4980.42 (e) of California Assembly Bill 1885 states that “On and after January 1, 1995, all hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. *The school shall approve each site and shall have a written agreement with each site that details each party’s responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student’s performance at the site.*” (italics added)

**Instructions to the Student:** First, read and sign this document. Then, take it to the director of your fieldwork agency and to your clinical supervisor(s) to read and sign. Finally, take it to the Pepperdine Clinical Training Coordinator (CTC). After the CTC has signed your agreement, she will place a copy of the original 4-Way in your Clinical Training file. Please arrange to pick up the original and, if necessary, use it to make copies for the Agency Director and the Clinical Supervisor. The Clinical Training Coordinators are:

Rebecca Reed	West LA Graduate Campus	(310) 568-5776
Alice Richardson	Encino Graduate Campus	(818) 501-1619
Kathleen Wenger	Irvine Graduate Campus	(949) 223-2580

**Please note:** You are responsible for retaining the original of this and all documents described within this agreement, should the BBS request them. Pepperdine University cannot be responsible for providing you with additional copies. **Until your completed and signed agreement is on file at Pepperdine, your hours will not count toward the MFT license.** The “4-Way Agreement” is proof to the BBS that Pepperdine and you have complied with state law. If you ever consider leaving a site early, you **must** notify your CTC, as you are required to have evaluations turned into the CTC office and Experience Verification forms completed. If you terminate from your site, you cannot begin training at a new site without consultation and approval by your CTC.

## **SECTION I RESPONSIBILITIES OF THE PARTIES (Students are responsible for reading all sections of this agreement.)**

### PEPPERDINE UNIVERSITY, the QUALIFYING DEGREE PROGRAM

- a. shall approve the clinical practicum experience of each trainee at the supervised fieldwork setting.
- b. shall provide forms for regular progress reports and evaluation of the student’s performance at each supervised fieldwork setting.
- c. shall evaluate the appropriateness of the supervised fieldwork experience for each trainee as set forth in Section 4980.42 of the California Business and Professions Code.
- d. shall strongly recommend that each student gaining clinical hours in a supervised fieldwork setting procure professional liability insurance.

### THE SUPERVISED FIELDWORK SETTING/AGENCY DIRECTOR

- a. shall provide the trainee and the supervisor with the documentation necessary to verify to the Board of Behavioral Sciences (BBS) that the practicum setting is one that is named in law as appropriate for an MFT Trainee, and that the trainee is employed in the manner

required by law, and as defined in Business and Professions Code Excerpt From Section 4980.43 (d1):

A trainee may be credited with supervised experience completed in any setting that meets all of the following:

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

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

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

- b. shall provide the appropriate documentation to the MFT trainee, if employed for pay, on an IRS W-2 basis, not on an IRS 1099 basis.
- c. shall evaluate the qualifications and credentials of any employee who provides supervision to MFT trainees.
- d. shall appropriately disclose to contracted insurance companies that unlicensed (MFT Trainees) are providing mental health services to the agencies clients.
- e. shall provide the trainee and the supervisor with an emergency response plan which is designed to address the personal safety and security of trainee, supervisor and trainee's clients in the event of a fire, earthquake or other disaster.
- f. shall provide for the physical and emotional safety of the trainee's clinical experience, including but not limited to assigning appropriate clients to MFT trainees.
- g. shall notify Pepperdine's CTC and the trainee of change of address, phone, ownership, or any other status that may affect the ability of the trainee to count hours gained at the fieldwork setting.
- h. Shall be aware that experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed (4980.43(12) (b)).
- i. Shall notify Pepperdine's CTC if the trainee terminates before agreed upon dates as stated in Section 5 of this agreement (on page 7).

#### THE SUPERVISOR

- a. shall read and sign the "Responsibility Statement for Supervisors of a MFT Trainee or Intern" prior to commencing supervision and shall abide by its provisions. The supervisor is responsible to the board for the trainee's legal practice as a trainee. The supervisor shall have sufficient experience training and education in the area of clinical supervision to competently supervise trainees and interns.
- b. shall be responsible for assuring that all clinical experience gained by the trainee is within the parameters of marriage, family and child counseling. "Supervised fieldwork experience" is experienced within the scope of practice of a marriage, family and child counselor in applied psychotherapeutic techniques, assessment, diagnosis, and treatment of pre-marital, couple, family, and child relationships, including dysfunction's and healthy functioning and health promotion and disease prevention, in

a supervised clinical placement as defined by section 4980.40 (b) (1) of the Business and Professions Code.

- c. **shall review and sign the “Weekly Summary of Hours of Experience” log required by Section 1833 (e) of the CCR on a weekly basis. Note: the supervisor needs to make sure hours are totaled across the bottom before signing weekly logs.**
- d. **shall complete the “MFT Experience Verification Form” upon termination of supervision, the totals of which should match the totals on the Weekly Summary of Hours of Experience.**
- e. shall provide regular progress reports and evaluations of the student’s performance at the site to Pepperdine’s CTC at the end of each fall and spring term of practicum.
- f. shall abide by the ethical standards promulgated by the professional association to which the supervisor belongs (e.g., AAMFT, CAMFT, CALPCC, APA, NASW, AMA, etc.).
- g. shall provide the trainee with one (1) hour of face-to-face individual or two (2) hours of face-to-face group supervision for each five (5) hours of direct client contact provided.
- h. Shall directly observe the student twice each semester and once in the summer term.

**IMPORTANT:** Although client contact hours may be averaged across each term, supervision may not. In other words, trainees *must* have either one hour of individual or two hours of group supervision during each week that they see clients. No hours of *any* kind will count if supervision has not occurred during the week they were claimed.

- i. shall provide the trainee with a policy and procedure for crisis intervention and other client/clinical emergencies, in particular those that are mandated by law (e.g., child abuse, danger to self, others, etc.).
- j. shall, if providing supervision to a trainee on a voluntary basis, provide the trainee with a written agreement between yourself and the trainee’s fieldwork setting required by CCR Section 1833(b)(4).
- k. shall notify Pepperdine’s CTC in a timely manner of any difficulties in the work performance of the trainee or the supervisor should call the CTC if/when a student is terminated from a site before the end of a semester.
- l. shall have “Professional Therapy Never Includes Sex” pamphlets on hand.
- m. shall once a term communicate with the students practicum instructor to discuss students progress. The university Practicum Instructor shall initiate the call.

## THE TRAINEE

- a. shall have each supervisor complete and sign the “Responsibility Statement for Supervisors of the MFT License” *before* gaining supervised experience, and must file a copy with the Pepperdine CTC. The trainee must verify that the supervisor’s license is current by contacting the Board of Behavioral Sciences via internet. The BBS website address is <http://www.bbs.ca.gov>. Click on "verify license" for MFTs and LCSWs and check that the supervisor’s license is current. For a Licensed Psychologist, contact the Board of Psychology via internet. The Board of Psychology website is: <http://www.dca.ca.gov/psych>.

- b. shall maintain a weekly log of all hours of experience gained toward licensure and shall be responsible for the accuracy and compliance of such hours with BBS law and regulation. *For example, trainee hours may not be counted for any week during which appropriate supervision has not occurred.*
- c. shall be responsible for learning those policies of the supervised field work setting which govern the conduct of regular employees and trainees, and for complying with such policies.
- d. shall evaluate his or her supervised fieldwork experience and submit the evaluation to the practicum instructor. Shall have a Pepperdine University's Supervisor Evaluation of Student completed twice a year and also upon an early termination from the site.
- e. shall be responsible for notifying Pepperdine's CTC in a timely manner of any professional or personal difficulties which may affect the performance of his or her professional duties and responsibilities.
- f. shall abide by the ethical standards of the California Association of Marriage and Family Therapists and of Pepperdine University.
- g. shall be aware that Pepperdine's CTC strongly recommends that he or she obtain professional liability insurance while working in a clinical practicum.
- h. shall have completed all prerequisite courses for PSY 662, Clinical Practicum, before providing supervised psychotherapeutic services to clients.
- i. shall have a minimum number of 150 direct client contact hours as required for 6 units of practicum for those who began the MFT program prior to September 2012.

**Students who began on or after September 2012 will need 225 hours of which a minimum of 150 hours must be direct client contact and up to 75 of the 225 hours can be client centered advocacy (all 225 can be client contact).** Or, if a student (post-September 2012) decides to pursue the LPCC license, the student will need **280 client contact hours** before degree posting. These hours must have been supervised during the week they were gained and client contact hours must average over the term to the 5:1 ratio.

1. Students taking practicum need cases to present. For a credit in practicum, the minimum number of client contact hours for both the Fall and Spring terms is 30; the minimum number for the Summer term is 14. This averages out to *2 client contact hours per week*. Please keep in mind that in addition to the minimum requirements per semester, students are responsible to complete the 150 direct client contact hours within the 6 semester units of clinical practicum and if enrolled in the MACLP program after August 2012 you will need an additional 75 hours of either client contact or client centered advocacy.)

2. The minimum number of weeks of supervision is 10 weeks for the Fall and Spring semesters and 5 weeks for the Summer Session. This new limit allows for a variety of nonscheduled events involving supervisor vacations, client no-shows, illnesses, and so forth.

3. Students may earn **more** than the minimum number of client contact hours or weeks of supervision during any term.

- j. shall be aware that **practicum is a COURSE**, and to receive a grade of "credit" for this course, the following criteria must be met:
  - attends class regularly to the standards of the instructor;
  - performs in class satisfactorily (for example: makes accurate and effective case presentations, contributes to discussions, shows knowledge and understanding of MFT theories and techniques, demonstrates critical thinking, is flexible and open to instructor

feedback, shows knowledge of clinical issues, interacts appropriately with peers, and so forth);

- receives the minimum number of direct client contact hours for the term (30/14);
- receives the minimum number of weeks of supervision for the term (10/5);
- was directly observed by the supervisor at least once/twice during the appropriate term;
- receives a satisfactory oral/written evaluation from the clinical supervisor;
- receives a satisfactory evaluation from the practicum instructor;
- demonstrates competence as a training therapist;
- does not show any signs of behavioral or emotional issues that would affect his or her clinical judgment and performance; and
- shows understanding of and compliance with legal and ethical issues.

## SECTION II METHODS OF SUPERVISION

Instructions to Supervisor(s): Section 1833.1 of the BBS Regulations requires that the supervisor monitor the quality of counseling or psychotherapy performed by the trainee by direct observation, audio or video recording, review of progress and process notes or records or by any other means deemed appropriate by the supervisor; and furthermore, that the supervisor shall inform the trainee prior to the commencement of supervision of the methods by which the supervisor will monitor the quality of counseling or psychotherapy being performed. Also, the regulations require that the supervisor use real-time data (observational or recorded) to monitor the trainee's performance with clients, not just trainee report.

This section of the 4-Way Agreement will serve to inform the trainee about the methods you will use to directly observe each trainee to monitor the quality of her or his performance with clients.

Note: If the trainee is to be supervised by two supervisors, only one supervisor is required to directly observe them.

**REQUIRED METHODS OF DIRECT OBSERVATION:** Supervision of Pepperdine University trainees **MUST** include at least one of the following four direct observation methods **twice** each semester and once during the summer term; **please initial (do not check)** any or all of the methods you will use with this trainee:

*Direct Observation Methods:*

- \_\_\_\_\_ Audio Tape
- \_\_\_\_\_ Video Tape
- \_\_\_\_\_ One-way mirror
- \_\_\_\_\_ Sitting in on session

**IMPORTANT NOTE:** Effective January 1, 2000, all persons licensed by the BBS who supervise interns and trainees must complete a minimum of six hours of supervision training or coursework every two years. This training/coursework may apply towards the required 36 hours of mandatory continuing education.



### SECTION III ADDITIONS

#### a. TERMINATION

The expectation of all parties is that this agreement will be honored mutually. Termination of this agreement *with cause* shall be in accordance with the academic policies of the qualifying degree program or the employment or volunteer policies of the supervised fieldwork setting. Any party may terminate this agreement *without cause* by giving all other parties 30 days notice of the intention to terminate. Termination of the trainee's or supervisor's employment or this agreement must take into account the clinical necessity of an appropriate termination or transfer of psychotherapeutic clients. In any case, it is assumed that if there is an early termination of this agreement on the part of the trainee, the supervised fieldwork setting or the supervisor, such a decision must include prior consultation with the qualifying degree program.

**IMPORTANT NOTE:** Whenever a trainee terminates supervision, an evaluation form must be completed by the supervisor. Please contact the Clinical Training Coordinator if the student has not given you an evaluation form.

#### b. INDEMNIFICATION

The qualifying degree program strongly recommends that MFT trainees procure professional liability insurance before working with clients in supervised fieldwork settings. The supervised fieldwork setting assumes the risk and liability for the student's performance of services while at the supervised fieldwork setting.

#### c. CONTACT PERSON AT PEPPERDINE

For additions, changes, problems or questions about this document, please contact the Clinical Training Coordinator whose name appears on page 2 this document.

### SECTION IV ADDITIONAL TERMS AND COMMENTS

(Please include on the backside of this page, any additional notes on the students' clinical training experience.)

### SECTION V TERM OF THE AGREEMENT

Please review with the trainee their time commitment to your agency. Fill in the dates below, using the date you and the trainee entered into this agreement and the approximate date you expect the trainee to leave. **Important:** Agency Director, please initial agreement next to commitment dates.

From \_\_\_\_\_ (date this agreement is valid) \_\_\_\_\_ (Initials) To \_\_\_\_\_ (date trainee expected to leave agency) \_\_\_\_\_ (Initials)

## SECTION VI SIGNATURES

By signing this form, you are indicating that you have read, understood and agreed to the terms specified.

### *I. For the practicum setting (Agency Director/Clinical Training Director):*

---

Name and Title (please print)	Signature	Date
Pepperdine Alum _____ Yes _____ No		

### *II. Supervisor (Primary):*

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Name and Title (please print)	Signature	Date
License(s) held: _____ LMFT _____ LPCC _____ LCSW _____ Psychologist* _____ Psychiatrist (M. D.)		
Pepperdine Alum _____ Yes _____ No		

### *II. Supervisor (Secondary):*

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Name and Title (please print)	Signature	Date
License(s) held: _____ LMFT _____ LPCC _____ LCSW _____ Psychologist* _____ Psychiatrist (M. D.)		
Pepperdine Alum _____ Yes _____ No		

### *III. Trainee:*

---

Name (please print)	Signature	Student ID Number	Date
---------------------	-----------	-------------------	------

**\*\*Trainees: please note that you must notify the CTC prior to terminating at your practicum site \*\***

### *IV. Clinical Training Coordinator at Pepperdine University:*

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Name and Title (please print)	Signature	Date
-------------------------------	-----------	------

\* Please note that Licensed Educational Psychologist cannot supervise MFT Trainees.

**REMINDER to the Trainee:** Please have Sections I, II and III (above) completed by the appropriate parties and submit to the Clinical Training Coordinator for approval and signature. It is your responsibility to retain the original of this form for your records. *A copy of the "4-Way Agreement" must be on file with the CTC before hours may be counted toward MFT license or Practicum requirements.*

## ATTACHMENT B

### DRAFT BBS Survey – LMFT and LPCC Practicum Placement Coordinators

**GOAL:** Determine appropriate work settings for LMFT and LPCC students in practicum.

**SURVEY DESCRIPTION/INSTRUCTIONS:**

The Board of Behavioral Sciences is asking practicum placement coordinators and other educators directly involved in a LMFT or LPCC practicum or fieldwork program to complete this survey. The information gathered will help inform the Board when considering possible changes to the laws related to practicum and fieldwork sites.

**Current law requires the following:**

- The school shall approve each site.
- The school shall have a written agreement with the site that details each party's responsibilities, including the methods of supervision. The agreement shall provide for regular progress reports and evaluations of student performance at the site.
- Setting must lawfully and regularly provide mental health counseling or psychotherapy.
- Setting must provide oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements and is within the scope of practice.
- LMFT: Setting may not be a private practice owned by a LMFT, LPCC, LCSW, licensed psychologist, licensed physician and surgeon or a professional corporation of any of those licensed professions.
- LPCC: Setting may not be a private practice.

***(LMFT - Business and Professions Code (BPC) sections 4980.42 and 4980.43; LPCC - BPC sections 4999.34 and 4999.36)***

---

1. What license type(s) are being pursued by the students in your degree programs?
  - LMFT
  - LPCC
  - LMFT and LPCC
  
2. In what types of settings are students placed in which they are performing clinical services? Mark all that apply. (NOTE: "Clinical services" are defined as: clinical assessment, diagnosis, and/or treatment).
  - School's own counseling center
  - Public schools
  - Private schools

- Governmental agencies
- Churches
- Nonprofit and charitable entities (registered as a 501(c)(3))
- Not-for-profit entities that are not registered as a 501(c)(3)
- Not-for-profit entities that are not a school or government agency
- For-profit entities
- Other: \_\_\_\_\_

2A. If you selected any of the following setting types in question 2, please select the facility or facilities that best describes that specific entity.

- Not-for-profit entities that are not registered as a 501(c)(3)
- Not-for-profit entities that are not a school or government agency
- For-profit entities
- Other

Specific type of facility or facilities:

- Professional Corporation
- Mental health clinic/counseling center
- Outpatient intensive mental health treatment program
- Residential mental health treatment center
- Medical hospitals
- Psychiatric hospitals
- Other licensed health facilities
- Inpatient alcohol and drug treatment programs
- Outpatient alcohol and drug treatment programs
- Pediatric day health and respite care facilities
- Social rehabilitation facilities
- Skilled nursing home facilities
- Assisted living facilities
- Adult day health facilities
- Other: \_\_\_\_\_

3. Is the school primarily responsible for initially finding a placement, or is the student?

- School
- Student
- The school and the student collaborate to find a site (Please explain: \_\_\_\_\_)

4. Other than the attributes required by law, what are the most important characteristics or qualities of a suitable practicum or fieldwork setting? (*open-ended question*)

5. Are there certain types of settings that are allowed by law, but that you or your school feels are generally not suitable placements for students?

- No
- Yes: (Describe which types of settings and why): \_\_\_\_\_

6. Are there certain types of settings where you believe it is necessary to use extra precaution when placing students?

No

Yes: (Describe which types of settings and why/what those extra precautions may be):

\_\_\_\_\_

7. What are some of the factors that may lead you to decide against (or discontinue) placing students at a site? (*open-ended question*)

8. Do you require students to notify the school when there are difficulties at the work site?

Yes

No

We don't require it but we encourage it

9. How many agencies do the students have to choose from to earn practicum hours? \_\_\_\_\_

10. What percentage of your MFT students continue on at their site as an MFT Intern? \_\_\_\_\_

11. What type of information or clarifications would be helpful from the BBS in terms of student placements? (*open-ended question*)

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

**To:** Exempt Setting Committee Members                      **Date:** March 14, 2017  
**From:** Christy Berger  
Regulatory Analyst    **Telephone:** (916) 574-7817  
**Subject:** **Draft Survey Topics Related to Exempt and Private Practice Settings**

---

In consultation with the Office of Professional Examination Services, staff has developed a draft survey designed for BBS licensees and registrants pertaining to exempt and private practice settings.

The goals of the survey are to obtain information that will:

- Help determine whether consumers are being harmed in exempt settings by unlicensed staff performing clinical services.
- Help formulate a legal definition for “private practice,” “exempt” and other types of settings.

See the **Attachment** for the draft survey, for the Committee’s review and feedback.

**ATTACHMENT:**

Draft Survey for BBS Registrants and Licensees

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## ATTACHMENT

### DRAFT Survey of BBS Registrants and Licensees Re: Exempt Settings

#### GOALS:

- Determine whether consumers are being harmed in exempt settings by unlicensed staff performing clinical services, with a focus on nonprofit and charitable (NPC) organizations and private schools.
- Obtain information that will help formulate a legal definition for settings other than “private practice” and “exempt”.

---

#### 1. What type of license or registration do you hold with the BBS?

- |                               |                                     |
|-------------------------------|-------------------------------------|
| <input type="checkbox"/> LCSW | <input type="checkbox"/> ASW        |
| <input type="checkbox"/> LEP  | <input type="checkbox"/> MFT Intern |
| <input type="checkbox"/> LMFT | <input type="checkbox"/> PCC Intern |
| <input type="checkbox"/> LPCC |                                     |

The following items will ask you about the types of settings you have worked in over the past 5 years. Please answer one set of questions per setting.

#### 2. In the past 5 years, in what type of work setting have you provided clinical services (defined as assessment, diagnosis, treatment) or provided clinical supervision? (*Select one – the opportunity to list additional settings will be provided*)

##### Setting type:

- |  |   |
|--|---|
| <input type="checkbox"/> Public school             | <input type="checkbox"/> Nonprofit and charitable entity (501(c)(3))  |
| <input type="checkbox"/> Private school            | <input type="checkbox"/> Not-for-profit entity that is <u>not</u> a 501(c)(3)   |
| <input type="checkbox"/> Church                    | <input type="checkbox"/> Private practice   |
| <input type="checkbox"/> Federal agency            | <input type="checkbox"/> Professional corporation ( <i>ownership solely composed of licensed health professionals</i> ) |
| <input type="checkbox"/> State agency              | <input type="checkbox"/> For-profit entity not otherwise listed   |
| <input type="checkbox"/> County or city agency     | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Other governmental agency |   |

**2A. If you marked “Not-for-profit entity that is not a 501(c)(3)” or “For-profit entity not otherwise listed” please provide more information about the type of work setting:**

\_\_\_\_\_

**2B. If this setting is NOT a school or church, what is the main focus/purpose of this setting?  
(Mark all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Mental health clinic/counseling center                                  | <input type="checkbox"/> Jail or correctional facility                                     |
| <input type="checkbox"/> Residential mental health treatment center                              | <input type="checkbox"/> Offender treatment/re-entry program                               |
| <input type="checkbox"/> Psychiatric hospital  | <input type="checkbox"/> State hospital  |
| <input type="checkbox"/> Psychosocial rehabilitation program                                     | <input type="checkbox"/> Inpatient alcohol and drug treatment program                      |
| <input type="checkbox"/> Integrated primary care/behavioral health care program                  | <input type="checkbox"/> Outpatient alcohol and drug treatment program                     |
| <input type="checkbox"/> Integrated behavioral health care and substance abuse treatment program | <input type="checkbox"/> Supported employment program                                      |
| <input type="checkbox"/> Medical hospital  | <input type="checkbox"/> Prevention/early intervention program                             |
| <input type="checkbox"/> Other licensed health facility: _____                                   | <input type="checkbox"/> Developmental/Intellectual disability program                     |
| <input type="checkbox"/> Employee assistance program   | <input type="checkbox"/> Pediatric day health/respite care facility                        |
| <input type="checkbox"/> Online counseling clinic  | <input type="checkbox"/> Skilled/intermediate care nursing and/or assisted living facility |
| <input type="checkbox"/> Crisis care/intervention program  | <input type="checkbox"/> Self-help organization  |
| <input type="checkbox"/> Victims of crime program  | <input type="checkbox"/> Family and/or children's services program                         |
| <input type="checkbox"/> Domestic violence program   | <input type="checkbox"/> Young adult transitional services program                         |
| <input type="checkbox"/> Culturally-focused mental health program                                | <input type="checkbox"/> Older adult service program                                       |
| <input type="checkbox"/> Military member or veteran's service program                            | <input type="checkbox"/> Other specialized community provider:<br>_____                    |
| <input type="checkbox"/> Case management program   |  |
| <input type="checkbox"/> Homeless shelter or service program                                     |  |

**3. How is this facility and/or program funded? (mark all that apply)**

- Federal funding/grants
- State funding/grants
- Local government funding/grants
- Donations and/or foundation grants
- Third-party reimbursement
- Private payment
- Other: \_\_\_\_\_
- Unknown

**4. If the setting is a for-profit entity, what is the ownership structure? (mark all that apply)**

- Private practice
- Professional corporation (ownership solely composed of licensed health professionals)
- Investor-owned corporation
- Employee-owned corporation
- Other for-profit: \_\_\_\_\_
- Unknown

5. In what county is this facility located?

6. Is there a shortage of licensed mental health providers in the region where the facility is located?

- Yes
- No
- Unknown

7. California law designates certain types of entities as “exempt” from mental health professional licensure laws. If the facility is any of the types of “exempt” settings listed below, please answer the following question.

- Public school
- Private school
- Church
- Federal agency
- State agency
- County or city agency
- Other governmental agency
- Nonprofit and charitable entity (registered 501(c)(3))

**Does the facility or program allow clinical services (assessment, diagnosis and/or treatment) to be provided by paraprofessional (unlicensed and unregistered) employees or volunteers?**

- No (stop here – survey ends)**
- Yes (please answer all of the questions below)

8. What qualifications are required of paraprofessional staff members (including volunteers) who are providing clinical services (assessment, diagnosis and/or treatment)?

- Be license-eligible
- Lived experience as a consumer of mental health services
- Family member experience
- Work experience (specify how much if known: \_\_\_\_\_)
- Education (specify if known: \_\_\_\_\_)
- Training prior to hire (number of hours if known: \_\_\_\_\_)
- Training after hire (number of hours if known: \_\_\_\_\_)
- Certification (type if known: \_\_\_\_\_)

9. Are consumers who receive clinical services by paraprofessionals in this agency receiving services that generally meet minimum standards of care for mental health professionals? This includes acceptable interventions, meeting statutory and regulatory requirements, ethical codes, recordkeeping practices, etc.

- Yes
- No (Explain: \_\_\_\_\_)
- Varies (Explain: \_\_\_\_\_)

10. Do clients have a formal mechanism at this agency to have complaints or concerns about their therapy or therapist addressed?

- No
- Yes (answer questions 10A & 10B)
- Unknown

10A. Are all clients informed about the complaint process?

- Yes
- No
- Unknown

10B. Do you feel that client complaints are addressed appropriately?

- Yes, typically
- No, typically (Explain: \_\_\_\_\_)
- Varies (Explain: \_\_\_\_\_)
- Unknown

11. Approximately how many paraprofessionals are providing clinical services in this agency?

\_\_\_\_\_

12. Do the paraprofessionals who provide clinical services typically perform those services as their primary job duty?

- Primary job is providing clinical services
- Clinical services are provided secondarily to other job duties
- Both types of positions

13. Is a background check including fingerprinting performed on paraprofessionals performing clinical services?

- Yes
- No (Explain: \_\_\_\_\_)
- Varies (Explain: \_\_\_\_\_)
- Unknown

**14. Is a licensed supervisor (LCSW, LMFT, LPCC, Psychologist, Psychiatrist or Psychiatric Nurse Practitioner) providing supervision to paraprofessional staff performing clinical services?**

- Yes (answer #16A below)
- No (answer #16B below)
- Varies (Explain: \_\_\_\_\_)
- Unknown

**14A. Does the licensed supervisor (or supervisors) work on site?**

- Yes
- No (Explain: \_\_\_\_\_)
- Varies (Explain: \_\_\_\_\_)
- Unknown

**14B. Is the supervision adequate to protect the consumer?**

- Yes
- No (Explain: \_\_\_\_\_)
- Varies (Explain: \_\_\_\_\_)
- Unknown

**15. How many paraprofessionals performing clinical services are assigned to each clinical supervisor? Number: \_\_\_\_\_**

**16. Do you believe that certain exempt settings should be excused from licensure compliance?"**

- Yes (Explain: \_\_\_\_\_)
- No (Explain: \_\_\_\_\_)
- Not sure