

BOARD OF BEHAVIORAL SCIENCES

INITIAL STATEMENT OF REASONS

Hearing Date: April 20, 2001

Subject Matter of Proposed Regulations: CONTINUING EDUCATION COURSE REQUIREMENTS

Amend Section 1887.3 of Division 18 of Title 16:

Specific Purpose of each adoption, amendment, or repeal:

The specific purpose of this proposal is to require marriage and family therapists and licensed clinical social workers to complete a six-hour course in law and ethics every two-year renewal cycle and specify that this training shall be credited toward the thirty-six hours of coursework required each renewal cycle.

Factual Basis

Current enforcement statistics reflect that the majority of the violations relate to legal and ethical offenses. The Board has discussed this issue at several Board meetings and, with the input of professional associations and interested parties, determined there is a need to mandate a course in law and ethics every two-year renewal cycle. The issue of whether mandating this course every two years was excessive was also discussed and determined to not be the case based on the fact that laws are amendment and adopted each year and the ethical standards are as well. Also, licensees should have a current understanding of changes that directly affect their profession. The Board also determined that it was necessary to clearly indicate this training does not increase the total number of continuing education hours that are currently required.

Underlying Data

Enforcement Statistics for the past five years, which break down violations in the following categories: Fraud, Health and Safety, Sexual Misconduct, Competence/ Negligence, Personal Conduct, Unprofessional Conduct, Unlicensed Activity, and Other.

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No alternative which was considered would be either more effective than or equally as effective as and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative #1: Not mandate a law and ethics course every two-year renewal cycle

This alternative would leave current regulation as is and the Board believes that enforcement cases that relate to violations of the laws and regulations will continue to escalate.

Alternative #2: Mandate a law and ethics course every six years

This alternative was discussed by the Board and it was determined that every six years is too long of a time for licensees to keep updated of current changes. Additionally, it would be difficult for licensees and the Board to keep track of compliance of this course if it were to be required every six years.