

BBS Exempt Setting Committee Meeting

January 20, 2017

1. The Committee reviewed its purposes and a projected timeline for the completion of its work:
 - a. The Exempt Setting Committee was appointed in November 2016. The Committee will review the practices of marriage family therapy, clinical social work, and clinical counseling within exempt settings to determine if consumers are receiving services consistent with the standard of care for these professions. The Committee will also focus on ensuring consumer protection within exempt settings.
 - b. The Committee's work will focus on gathering information related to the practice of the mental health professions in exempt settings, including reviewing California's laws on exempt settings and evaluating other state's laws on this topic. Further, the Committee will identify areas for improvement that are within the Board's regulatory authority.
 - c. The Committee will hold a series of meetings to conduct an open ended inquiry to gather information and data about the intersection of the mental health professions and exempt settings. Stakeholders and interested parties will be given an opportunity to provide input, feedback, and express their concerns.
 - d. It is anticipated that this process will take approximately 18 months to complete, with the committee's recommendations presented to the governing board of the Board of behavioral Sciences in the summer of 2018.
2. The Committee reviewed current California laws related to exempt settings, exempt professions, and private practice settings, including California Business & Professions Code §§ 4980.01, 4980.43, 4996.13, 4996.14, 4996.23, 4999.22, 4999.34, 4999.47, and 16 CCR § 1820.
3. The Committee reviewed the concept of tax-exempt organizations within the meaning of Internal Revenue Code § 501(c)(3).
4. The Committee reviewed the concept of exemptions from licensure within the State Department of Corrections, within state health facilities, and for local mental health programs.
5. The Committee discussed issues related to exempt and private practice settings, including:
 - a. The definition in the law of "private practice."

- b. The definition in the law of “supervision that undermines the authority or effectiveness of the supervisor ...”
 - c. The problem of unlicensed therapists working for temporary-employment agencies.
 - d. The problem of stipends and the prohibition on unlicensed practitioners from receiving an IRS Form 1099.
 - e. The distinction between regular corporations and professional corporations.
 - f. The ability of unlicensed persons to be directors of nonprofit corporations or associations, or to be employed by organizations in various high-level positions.
6. The Committee, after discussion, approved staff to conduct a written survey or create a focus group to gather information from stakeholders concerning issues related to unlicensed practitioners, exempt settings, and private practices.
7. The Committee set future meeting dates for March 24, 2017; June 23, 2017; and, September 15, 2017.