

POLICY AND ADVOCACY COMMITTEE MEETING NOTES

June 23, 2017

Discussion and Possible Action Regarding 6-Year Limit on Experience

After receiving testimony from CAMFT and other stakeholders, the Committee discussed issues concerning:

- 1) The six year limit on the age of hours of experience; and
- 2) The six year length of the initial registration number for registrants and the inability of a registrant to work in a private practice after this period has ended.

The Committee then voted to defer judgment on this issue until more information about the average time necessary to gain hours of experience can be gathered, including analyzing how recent changes to the licensing laws may affect that process.

Discussion and Possible Action Regarding Proposal to Remove the 12 Hour Law and Ethics Course

The Board requires all of its marriage and family therapist, clinical social worker, and professional clinical counselor registrants to take the California Law and Ethics Examination (L&E exam) a minimum of once each renewal period, until passed. If the registrant fails the L&E exam, he or she is still permitted to renew the registration, but must show proof of completing a 12-hour California law and ethics course in order to be able to participate in the exam in the next renewal cycle. A registration may be renewed up to five times. After the fifth renewal, the applicant can obtain a subsequent registration number, but only if he or she has passed the L&E exam. Board staff has observed that since the examination restructure became effective and the 12-hour course became a requirement, completion of the course has been consistently problematic for registrants.

After hearing testimony from CAMFT and other stakeholders, the Committee voted to continue gathering information regarding problems registrants are having with this examination and to revisit the issue in June 2018.

Discussion and Possible Action Regarding Marriage and Family Therapist Referral Service Registrations (BPC section 650.4)

The Committee discussed the BBS's issuance of MFT referral service registrations, and whether these registrations are necessary to ensure public protection.

After hearing testimony from CAMFT and other stakeholders, the Committee determined that these registrations were not necessary for protection of the public, and the committee directed staff to have Business & Professions Code § 650.4 stricken from the Business & Professions Code.

Discussion and Possible Action Regarding Supervised Experience

The law for licensed clinical social workers (LCSWs) requires an applicant who is licensed out-of-state to have supervised experience that is substantially equivalent to California's supervised experience requirements. If the applicant has been licensed for at least four years immediately preceding the date of application in California, the law does not require that the applicant have the required 3,200 experience hours, as long as the Board determines their experience was substantially equivalent. However, if the applicant has been licensed in the other state for less than four years immediately preceding the date of application in California, the Board must verify that the individual has the 3,200 hours of supervised experience. Such an applicant gets credit for time licensed at a rate of 100 hours per month, up to a maximum of 1,200 hours. There is no equivalent allowance in LMFT or LPCC law that out-of-state applicants who have been licensed four years or more do not have to have the 3,000 hours of supervised experience that California requires. These individuals must prove they have the 3,000 hours, even if they have 20 years of experience. This becomes problematic because some states do not require 3,000 experience hours, or even if they do now, they may not have many years ago. For example, the states of New York and Florida only require their MFT applicants to have 1,500 clinical hours (non-clinical hours are not counted).

After hearing testimony from CAMFT and other stakeholders, the Committee discussed these issues and voted to recommend to the Board the various proposed changes in law that would make the LMFT and LPCC licensing statutes similar to the existing LCSW licensing statute in terms of "out-of-state" experience. The goal is to have the supervised experience of out-of-state licensees be "substantially equivalent" to California's requirements.

Additionally, only those out-of-state applicants who have been licensed for less than four years must meet the BBS's 3,000 hour requirement, and all applicants for licensure as a clinical social worker must complete an 18-hour course in law and ethics before being allowed to register as associate clinical social workers.

Discussion and Possible Action Regarding Education Requirements to Obtain a Subsequent Registration Number

Current licensing law requires associate marriage and family therapists, associate clinical social workers, and associate professional clinical counselors to renew their registration number each year. The registration may be renewed a maximum of five times (six years). Once they have five renewals, the individual needs to obtain a subsequent registration number.

To obtain a subsequent registration number, the individual must do both of the following:

- 1) Pass the California law and ethics examination; and
- 2) Meet the educational requirements for registration that are currently in effect.

The law says that an individual must meet current educational requirements in order to obtain a subsequent registration number. This has not historically been a problem, because the Board's education requirements have not changed drastically for a long time. However, for

LMFT and LPCC applicants who began graduate study after August 1, 2012, the education requirements changed significantly.

After hearing testimony from CAMFT and other stakeholders, the Committee discussed these issues and voted to direct staff to gather more information about the specific courses that are missing from such applications and be able to report on such missing courses at the next P&A meeting.

The Committee also received a report from staff regarding the following Board-Sponsored Legislation, Legislation on which the Board has taken a Position, and Legislation that the Board is monitoring:

BOARD-SPONSORED LEGISLATION

1. AB 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

This bill proposal represents the work of the Board's Supervision Committee. Its amendments focus on strengthening the qualifications of supervisors, supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions. This bill proposal was approved by the Board at its November 4, 2016 meeting. Minor technical amendments to the bill were approved at the Board's March 3, 2017 meeting.

Status: AB 93 has passed through the Assembly, and is currently in the Senate Business, Professions, & Economic Development Committee.

2. SB 800 (Senate Business, Professions, and Economic Development Committee) Professions and Vocations (Omnibus Bill)

This proposal, approved by the Board at its November 4, 2016 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

Status: This bill is currently in the Assembly Business and Professions Committee.

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BOARD-SUPPORTED LEGISLATION

1. AB 191 (Wood): Mental Health: Involuntary Treatment

This bill adds licensed marriage and family therapists and licensed professional clinical counselors to the list of professionals who are authorized to be the secondary signatory to extend involuntary commitments, under certain circumstances.

At its May 12, 2017 meeting, the Board took a "support" position on this bill.

Status: This bill is in the Senate Health Committee.

2. AB 456 (Thurmond): Healing Arts: Associate Clinical Social Workers

This bill would extend the Board's "90-day rule" to applicants for registration as an associate clinical social worker (ASW). Currently, the 90-day rule allows applicants for registration as a marriage and family therapist intern or a professional clinical counselor intern to count post degree hours of supervised experience before receiving a registration number, as long as they apply for their intern registration within 90 days of the granting of their qualifying degree.

At its May 12, 2017 meeting, the Board took a "support" position on this bill.

Status: This bill is in the Senate Committee on Business, Professions, and Economic Development.

3. AB 508 (Santiago): Health Care Practitioners: Student Loans

This bill would remove a healing art board's ability to issue a citation and fine and its ability to deny an application for a license or renewal of a license due to the licensee or applicant being in default on a U.S. Department of Health and Human Services education loan.

At its May 12, 2017 meeting, the Board took a "support" position on this bill.

Status: This bill is in the Senate Appropriations Committee.

4. AB 1116 (Grayson): Peer Support and Crisis Referral Services Act

This bill establishes that a communication between an emergency service personnel worker and a peer support team member, crisis hotline staffer, or a crisis referral service staffer is privileged for a noncriminal proceeding to the same extent and limitations as a communication between a patient and a psychotherapist.

At its May 12, 2017 meeting, the Board took a "support" position on this bill.

Status: This bill has passed through the Assembly and is now in the Senate.

5. AB 1188 (Nazarian): Health Professions Development: Loan Repayment

This bill would increase the Mental Health Practitioner Education Fund fee that licensed marriage and family therapists and licensed clinical social workers pay upon license renewal from \$10 to \$20. It would also require LPCCs to pay a \$20 fee into the fund upon renewal, and would allow LPCCs and PCC interns to apply for the loan repayment grant if they work in a mental health professional shortage area.

At its May 12, 2017 meeting, the Board took a "support if amended" position on this bill, asking for minor amendments and a delayed implementation until July 1, 2018. Since the Board meeting, the Board's requested amendments were made, and therefore the Board now has a "support" position.

Status: This bill has passed through the Assembly and is now in the Senate.

6. AB 1372 (Levine): Health Professions Development: Loan Repayment

This bill allows a certified crisis stabilization unit that provides specialty mental health services, at its discretion, to provide medically necessary crisis stabilization services to individuals beyond the allowable treatment time of 24 hours under certain circumstances.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill is in the Senate Health Committee.

7. AB 1591 (Berman): Medi-Cal: Federally Qualified Health Centers and Rural Health Centers: Licensed Professional Clinical Counselor

This bill would allow Medi-Cal reimbursement for covered mental health services provided by a licensed professional clinical counselor employed by a federally qualified health center or a rural health clinic.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill is in the Senate Health Committee.

8. SB 27 (Morrell): Professions and Vocations: Licensees: Military Service

This bill would require licensing boards within the Department of Consumer Affairs (DCA) to grant fee waivers for the application for and issuance of an initial license to an applicant who has served as an active duty member of the California National Guard or the U.S. Armed Forces and was honorably discharged.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This is a 2-year bill.

9. SB 244 (Lara): Privacy: Agencies: Personal Information

This bill would provide additional privacy protections for personal information that is submitted to state agencies from an applicant for public services or programs.

At its May 12, 2017 meeting, the Board took a “support” position on the May 3, 2017 version of this bill. Amendments have been made to the bill since that time, some of which may be substantive.

Status: This bill has passed through the Senate and is now in the Assembly.

10. SB 374 (Newman): Health Insurance: Discriminatory Practices: Mental Health

This bill grants the Department of Insurance the authority to require that large group health insurance policies and individual or small group health insurance policies must provide all covered mental health and substance use disorder benefits in compliance with federal law. This

is parallel to current authority already given to the Department of Managed Health Care for its regulation of large, individual or small group health care service plans.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill is in the Assembly Health Committee.

BOARD-MONITORED LEGISLATION

1. AB 89 (Levine) Psychologists: Suicide Prevention Training

This bill would require, beginning January 1, 2020, an applicant for licensure as a psychologist, or a licensed psychologist, upon renewal of his or her license, to demonstrate completion of at least six hours of coursework or supervised experience in suicide risk assessment and intervention.

At its May 12, 2017 meeting, the Board decided to remain neutral on this bill.

Status: This bill is in the Senate Appropriations Committee.

2. AB 700 (Jones-Sawyer) Public Health: Alcoholism or Drug Abuse Recovery: Substance Use Disorder Counseling

This bill would establish a career ladder for substance use disorder counselors, with classifications for substance use disorder counselor certification or registration.

At its May 12, 2017 meeting, the Board discussed the bill, and requested an amendment to clarify that Board trainees and registrants do not have to have a substance use disorder certification to engage in the practice of substance use disorder counseling. This amendment has now been made.

Status: This bill has passed through the Assembly and is now in the Senate.

3. AB 767 (Quirk-Silva) Master Business License Act

This bill creates a master business license system under the Governor’s Office of Business and Economic Development. It would allow a person who needs to apply for more than one business license to submit a single master application through GO-Biz, which would then distribute the application information to the various relevant licensing entities.

At its May 12, 2017 meeting, the Board decided to take a “support if amended” position on this bill, and ask that the Board be exempted from the bill’s provisions.

Status: This is a 2-year bill.

4. SB 715 (Newman) Department of Consumer Affairs: Regulatory Boards: Removal of Board Members

This bill would allow the Governor to remove a board member appointed by him or her for failure to attend board meetings.

At its May 12, 2017 meeting, the Board decided to watch this bill.

Status: This has passed through the Senate and is now in the Assembly.

5. SB 762 (Hernandez) Healing Arts Licensee: License Activation Fee: Waiver

This bill would require all healing arts boards under the Department of Consumer Affairs (DCA) to waive the renewal fee for an inactive licensee returning to active status, if the licensee will solely be providing voluntary, unpaid services to indigent patients in medically underserved or critical need population areas.

At its May 12, 2017 meeting, the Board took an “oppose unless amended” position on this bill, asking that it be excluded from the bill’s provisions.

Status: This bill has passed through the Senate and is now in the Assembly.

Updated: June 12, 2017