



February 28, 2013

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1. Budget

The 2012-2013 budget for the Board is \$8,077,669. As of December 31, 2012, the Board has spent \$3,407,838, which is 42% of the total budget. While the 2013-2014 budget is expected to be balanced, the Governor expects departments will continue to control costs, increase efficiencies, and refrain from creating new (or expanding) existing programs. Approval of requests for additional staff resources will be a challenge in this current climate. Therefore, the Board continues to evaluate all of its programs to seek efficiencies or creative solutions to its increasing workload. The Board is not in a position to enter into a "Memo of Understanding" with the Department of Consumer Affairs to take on the costs of "borrowing" an employee to assist. The Board is, however, exploring partnering with an AARP-federally funded employment program to partially staff some areas. In addition, a staff person is retiring in April, 2013 (not from the LMFT division) and the BBS will discuss how and whether to re-assign the position to other licensing responsibilities.

2. Operations

The BBS reported that application volume decreased, though this quarter historically shows a decrease. Current processing times, however, are increasing due to time spent training for BreEZe and a mandatory one-day furlough per staff member, per month. (It was calculated that the BBS provided the equivalent of two full-time positions towards mandatory testing of the BreEZe system since July, 2012. See below for more details about BreEZe.) Renewal applications are being processed within six days. The Board is currently processing MFT Exam Applications from September 12, 2012. It was noted that overall LMFT applications have increased since 2008, but the staffing levels have not been increased.

As compared to the total number of complaints and average days from receipt of a complaint until closure of the complaint or formal discipline, the BBS believes it operates fairly efficiently since BBS uses in-house enforcement for less complex investigations and refers cases to field investigators for interviews. More egregious cases are outsourced to the Division of Investigation.

It was requested that licensing data exam statistics, including exam statistics by school, be updated on the website since that has not been updated since early 2012.

It was noted that exams will incorporate DSM-V criteria during the 2014 examination development workshops.

The BreZE (online database) system was scheduled to launch August, 2012, and then delayed until February, 2013 and is now delayed until May, 2013. Ultimately, this online system will allow people to submit applications, submit renewal forms, check status of applications, and offer opportunity for on-line complaints. It is anticipated that the database should result in efficiencies in about a year after launch, specifically within the renewal section. However, no significant drop in other processing time is expected as a result of BreZE implementation; instead, the experience will be more efficient across all of Department of Consumer Affairs. Staff will return to normal duties once the system is launched, which will allow them to focus on their core functions. An on-line tutorial for licensee and applicants will be available shortly after the launch. The system has not been beta-tested with consumers. The Board requested a demonstration for its Directors at the next Board meeting.

3. LPCC Update

LPCC intern applications are taking 6-8 weeks, due to applicants' submission of additional information to remedy deficiencies. 183 LPCC intern numbers have been issued. LPCC Grandparenting applications postmarked December 31, 2011 (the deadline for submission) are now being reviewed. 40% of LPCC grandparenting applications have already been evaluated. 254 LPCC licenses have been issued.

The Gap exam was suspended in January, 2013. The BBS is currently convening workgroups to develop a new exam. It is not expected that the new exam will be available until June, 2013. All LPCC grandparent applicants will have their deadline for completing deficiencies extended by as many days as the exam is not available.

4. Legislation

Each year, BBS sponsors an Omnibus bill (to be introduced in March, 2013) that makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law. The Board approved a proposed change to add that the scope of practice for LPCCs and LCSWs includes the use, application, and integration of the coursework and experience required by law for licensure. This would make it consistent with existing law for LMFTs.

In addition, the following legislation has been introduced:

AB 428 (Eggman) - LMFT and LCSW Applicant Remediation of Coursework

This bill would amend LMFT licensing law to allow an LMFT applicant whose degree is deficient in the alcoholism and other chemical substance dependency requirement, or the spousal or partner abuse assessment requirement, to remediate those deficiencies. Current law does not allow remediation. It would also amend LCSW licensing law to clarify that LCSW applicants may also remediate a deficiency in the spousal or partner abuse assessment coursework.

AB 451 (Eggman) - LMFT and LPCC Out-of-State Applicant Requirements

Licensing requirements for out-of-state LMFT and LPCC applicants are set to change on January 1, 2014. However, the Board has concerns that the new out-of-state requirements may be too stringent, restricting portability of these license types to California. This bill extends the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2015. This allows the Board additional time to carefully consider solutions to this problem which would increase portability of licenses while maintaining public protection.

AB 404 (Eggman) - Retired Licenses

This bill clarifies the law regarding eligibility for a retired license. The amendment would state that a licensee is eligible for a retired license if he or she holds a current, active license, or an inactive license, if the license is in good standing. It would also reduce the timeline allowed to restore a retired license to active status from five years to three years.

AB 958 (Jones) Child Custody Evaluators

This bill specifies that the Board may access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law does not give the Board direct access to the child custody evaluation report. This leaves the Board unable to investigate allegations of unprofessional conduct of its licensees while they are serving as a custody evaluator, even though the Board is mandated to do so.

Because of concerns about confidentiality of the report, Legislative Council added language stating that the names that are confidential shall be listed in attachments separate from the general pleadings. Information will be sealed if the Board takes no action and may not be subsequently released. The BBS noted that minors are never identified in BBS proceedings. The BBS also noted that they already handle highly confidential treatment records, which are not qualitatively different than a confidential evaluator report.

The Board directed staff to work with the author on the proposed bill to include language that clarifies that the bill does not intend to impose on confidentiality and would be used only for investigative and hearing purposes.

CAMFT and NASW expressed concerns about the goals of this bill. BBS responded that it met with the Judicial Council and were told that every county has its own process and most do not have the resources to provide a viable venue for parties with grievances. This bill was the BBS' last resort. Furthermore, the BBS stated that the evaluator report is the only basis for the investigation.

5. Rulemaking

Proposed revisions of advertising regulations were approved and will go into effect on April 1, 2013. BBS will create a factsheet that will be posted on the BBS website. Disciplinary and Enforcement regulations have been submitted to OAL for final review.

6. Exam Re-Structure

The examination restructure authorized by SC 704 becomes effective on January 1, 2014. The BBS needs to revise its regulations so it is consistent with the examination process. Proposed revisions include the change of sequence for licensing exams. The CA law and ethics exam will need to be taken within the first year of registration with the Board. Candidates would not be permitted to take the same form or version of the test more than one time during the exam release period (release period will be 90 or 120 days, which is less than the current 180 day release period). Once a registrant has completed all supervised work experience, completed all educational requirements, and passed the law and ethics exam, he/she may take the clinical exam). In addition, the regulations incorporate language allowing the BBS to accept the national examination for LCSW and LMFT licensure, if the examinations are determined to be appropriate by the BBS. (The BBS previously voted to accept the Association of Social Work Boards exam and is currently working on a contract with the Association of Social Work

Boards to offer its national exam for those seeking licensure with the BBS. The BBS is also working with the Association of Marital and Family Therapy Regulatory Boards to determine the viability of using its exam for LMFT licensure in California. The BBS already accepts the National Clinical Mental Health Counselor Examination as the designated exam for California LPCCs.)

The Board directed staff to pursue these regulatory changes.

7. Continuing Education Provider Review Committee

The Committee's proposed language removes the Board's authority to directly approve and license provider and establishes the authority of the Board to accept CE credits from providers who have been approved or registered by a Board recognized "approval agency". The language also establishes the authority of the Board to accept CE credits from organizations, institutions, associations or entities that have been recognized by the Board as a continuing education provider.

The committee conducted extensive discussions regarding the definition and applicability of self-study and online learning. It was decided that these requirements should be removed. The amended language would now allow a licensee to gain the required CE credits through any course format.

Under the amended language, licensees will now be able to obtain up to six hours of CE credits every renewal period for participating in a Board examination development workshop. They will also be allowed to gain up to six hours of CE credit every renewal period for attending board enforcement case review training, acting as a subject matter expert for board enforcement case reviews, and/or participating in a professional association's ethics review committee process.

Finally, the Committee conducted discussions concerning Continuing Competency, but because of the complexity and importance of this subject, it was decided that the Board would continue this discussion at a later date.

The regulations state a July 1, 2014 effective date.

The Board directed staff to pursue regulations after clarifying the language regarding conflict of interest between provider and approval functions.

(NOTE: [Minutes from all Continuing Education Provider Review Committee meetings are posted on CAMFT's website.](#))

8. Update on the California Marriage and Family Therapy Occupational Analysis and Collaboration with the Association of Marital and Family Therapy Regulatory Boards (AMFTRB)

The purpose of the assessment of the Association of Marital and Family Therapy Regulatory Boards' (AMFTRB) Marital and Family Therapy National Examination was to determine whether the national examination meets prevailing standards for fair, valid, and legally defensible licensure examinations. Further, an evaluation of the congruence between the national examination plan and the Board of Behavioral Sciences' (BBS) Marriage and Family Therapist examination plan was also performed.

The Board met in closed session to discuss the methodology and confidential aspects of the exam assessment.

The Board returned to open session and reviewed the components that were examined: Practice analysis, Examination development, Passing scores, Test administration, Test security, Transparency of examination program. The vendor recommended that the BBS address some of the technical issues (discussed in closed session) with AMFTB. At this time, AMFTB is not aware of the issues, but the vendor expects AMFTB to be receptive.

9. Therapist Mandated Reporting of Sexual Activity of Minors

Ben Caldwell, PsyD, LMFT, professor at Alliant University and Legislative and Advocacy Committee Chair, AAMFT-CA, presented on this issue. Current law (the California Child Abuse and Neglect Reporting Act or CANRA) specifies types of sexual contact that must be reported as child abuse to law enforcement by mandated reporters.

There are specific guidelines in law outlining circumstances when consensual, heterosexual intercourse is not reportable. However, the law does not treat other types of sexual activity, including oral copulation and anal sex, in the same manner. This forces therapists, as mandated reporters, to treat heterosexual activity as consensual, while treating homosexual or other sexual activities as child abuse. Mr. Caldwell asserted that this discriminates against gay and lesbian adolescents.

Mr. Caldwell requested that the BBS express support for the concept of CANRA reform, as outlined here, and direct staff to participate in discussions among a coalition for CANRA reform (starting in Spring, 2013). This would serve BBS' mandate on public protection. AAMFT-CA is hoping to find an author to introduce a bill in 2014.

The Board determined that the Policy and Advocacy Committee should explore the issue further and discuss current law and past efforts to reform the law.