

## **LICENSE PORTABILITY COMMITTEE MEETING NOTES**

400 N State College Blvd.  
Orange CA 92868

Mike Griffin, JD, LCSW  
Staff Attorney

**November 3, 2017**  
**8:30 a.m.**

### **Purpose of the Committee**

The Pathway to Mobility Committee was established by the BBS Board of Directors in August of 2017. This Committee's work will focus on reviewing the licensure requirements for California and other state agencies as they pertain to improving license portability. The Committee and stakeholders will develop recommendations to remove the barriers to licensure and to improve portability for out-of-state licensees that are seeking licensure in California.

### **Review of Current California Licensure Requirements for Out-of-State Applicants; Marriage and Family Therapist, Clinical Social Worker, and Professional Clinical Counselor**

The BBS does not have direct reciprocity agreements with any other state. Out-of-state applicants seeking a license here must meet California's education, experience, and examination requirements. However, there is some variation in the requirements based on whether the applicant holds an out-of-state license or not, and how long any such license has been held.

The BBS's Executive Officer acknowledged that it can be very difficult for an out-of-state licensee to pursue California licensure if he or she was licensed many years ago and cannot provide documentation to the BBS regarding "substantially equivalent experience." If the applicant is unable to document 3,000 hours of qualifying supervised experience, his or her time actively licensed as a marriage and family therapist may be accepted by the BBS at a rate of up to 100 hours per month, to a maximum of 1,200 hours, so long as the applicant's degree meets the practicum requirements described in California law. The Executive Officer stated that many experienced out-of-state licensees struggle to meet this standard.

Testimony was offered by a member of the public who stated that she has been licensed for many years in two states (Georgia and Florida) and has found the process of becoming licensed in California to be overwhelming and prohibitively expensive.

Mike Griffin, Staff Attorney with CAMFT expressed that CAMFT supports the efforts of the BBS to pursue license portability, recognizing that the issue of portability is going to be the focus of ongoing efforts. Mr. Griffin commented that it should not be onerous for an out-of-state

licensee to pursue California licensure, so long as it was not easier, or less rigorous for the out-of-state licensee to become licensed in California, compared to an in-state applicant. Mr. Griffin also stated that it is important for the BBS to recognize that California licensees also want to be able to provide services in other jurisdictions without encountering unreasonable or onerous requirements.

**Review of Accrediting Agencies Curriculum Requirements; Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), Council on Social Work Education Commission on Accreditation (CSWE), Council for Accreditation of Counseling and Related Educational Programs**

The curriculum requirements of the professions' national degree program accrediting entities may provide some insight into coursework that is considered fundamental. Staff examined the curriculum requirements of the following three accrediting bodies:

1. The Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE)
2. The Council on Social Work Education Commission on Accreditation (CSWE)
3. The Council for Accreditation of Counseling and Related Educational Programs (CACREP)

At this point, and in subsequent discussion, the Executive Officer acknowledged that the BBS does not believe that a qualifying degree program must have been subject to the approval of one of the above-listed accrediting bodies. The Committee believes that a qualifying degree program (for California licensure) may include those which have been granted by a regionally accredited institution.

**Discussion and Comparison of Current National Association's Proposal to Improve License Portability: Association of Marriage and Family Therapy Regulatory Board (AMFTRB); Association of Social Work Boards (ASWB); and National Board of Certified Counselors (NBCC), American Association of State Counseling Boards (AASCB), and Association for Counselor Education and Supervision (ACES)**

The Executive Officer reviewed and compared examples of plans for improving license portability proposed by the above-entitled organizations. The common elements of these proposals were identified and discussed:

Initial licensure requires an individual to satisfy educational, post-degree experience, and examination requirements. These requirements are typically specified in state laws, rules, and/or regulations. The process to obtain the initial license often takes several years to complete.

Once licensed, the licensee assumes the process to obtain a license in another state will be less onerous. The individual recognizes another state may have state specific requirements and is

willing to satisfy those requirements. However, all too often, the licensee discovers that the requirements for initial licensure become the barriers to licensure in another state. The licensee is frequently required to demonstrate to the new state that the initial licensure requirements, which were already completed, are substantially equivalent to that state's licensure requirements. If successful in this endeavor, the licensee may become licensed in the new state after completing the state specific requirements. If not, the licensee's application may be denied. If the application is not denied, the licensee may be required to obtain a new degree or a series of courses at the graduate level, complete supervised experience hours, and/or pass a clinical examination in addition to the state specific requirements.

The AMFTRB's LMFT Mobility Plan proposal seeks to recognize that the initial state of licensure has done its due diligence in vetting candidates for licensure. The LMFT Mobility Plan does not interfere with the state specific requirements such as fingerprinting, jurisprudence exam. The LMFT Mobility Plan recognizes the candidate for licensure as a licensee and not as a candidate seeking initial licensure. This recognition eliminates the burden of demonstrating that the qualifications for licensure in one state are substantially equivalent to another state.

Adopting or accepting the LMFT Mobility Plan will likely require states to revise their existing licensure law. The revisions would only apply to the three identified barriers to licensure – education (the qualifying degree), post-graduate degree supervised experience, and clinical examination. States that require fingerprinting, jurisprudence examination, and/or state specific education, still retain the right to require these components for licensure. Further, states may still require the applicant to submit the transcript to demonstrate completion of a qualifying degree. However, the evaluation of the degree for specific course content, number of units would no longer be necessary.

The Committee discussed, in length, ways of improving the process for out-of-state licensees to become licensed in California. They agreed that the basic requirements applicable to out of state licensees should include:

1. Applicant must disclose any disciplinary history with another state and BBS would consider whether the disciplinary issues have been resolved, or, if the applicant should be offered a probationary agreement prior to licensure, or, if the disciplinary history involves acts which were so egregious that the applicant should not be considered for California licensure.
2. The applicant must have been licensed in the other jurisdiction at least two of the last 5 years. The license held in the other state should be one which permits independent clinical practice.
3. The applicant must hold a graduate degree from an educational institution which was either regionally accredited, or accredited by one of the other accrediting organizations listed earlier in these materials.
4. The applicant would be required to take a California law and ethics examination. However, prior to taking the California law and ethics exam:

- a. The applicant would have to take 12 hours in California law and ethics via CEU approved provider.
  - b. The applicant would have to take 15 hours at the CEU level of coursework in California cultural issues.
5. An out-of-state applicant who becomes licensed in California according to the above stated requirements may also be required to take one or more specified CEU courses at the time of their first renewal. However, the Committee did not agree at this meeting as to what the content of such courses would be. One possibility would be a 6 hour course in the "Recovery Model" of treatment.

The meeting adjourned at 11:15 AM.