

Board of Behavioral Sciences

Dept. of Consumer Affairs
1625 N. Market Blvd., S-102
Sacramento, CA 95834

Exempt Setting Committee Meeting

June 8, 2018

8:30 a.m.

I. Discussion and Possible Recommendations Regarding Registrant Employment by Temporary Staffing Agencies

At its June 2017 and February 2018 meetings, the Exempt Setting Committee discussed the topic of registrants gaining hours of experience while employed by a temporary employment/staffing agency. This type of arrangement has often been seen with registrants placed at the Veteran's Administration (VA).

Current law for the LMFT, LCSW and LPCC professions does not address a temporary agency as an employer of individuals gaining hours of experience toward licensure.

Staff presented draft language regarding the issue at the February 2018 meeting, and were directed to make minor changes to the text regarding the locations where individuals are authorized to see clients. The Committee discussed the proposed language offered by staff on this topic which clarifies that: A "temporary employment agency" fills vacancies for agencies seeking to employ individuals on a temporary basis. A "contracting agency" is defined as the agency where the trainee, associate, or applicant for licensure has been placed by a temporary employment agency. The trainee, associate, or applicant for licensure may only perform services at the places where the contracting agency permits business to be conducted, and there must be a written agreement between the contracting agency and the supervisor, unless the supervisor is an employee of the contracting agency.

Following discussion, a motion was made to approve the draft language concerning temporary employment agencies and forward to the Board for consideration. The motion passed.

II. Discussion and Possible Recommendations Regarding Practice Setting Definitions

The Exempt Setting Committee has reviewed the results of two major surveys conducted by staff:

- Practicum Placement Coordinator Survey
- Exempt and Private Practice Settings Survey

After reviewing the survey results and receiving input from stakeholders at the February 2018 meeting, the Committee expressed interest in creating definitions for different types of practice settings in order to help achieve the following:

- Clarify acceptable practicum settings for students

- Make efforts to protect consumers receiving psychotherapy from unlicensed/unregistered therapists in exempt settings

The Committee continued their discussion regarding the issue of how to define a “private practice,” and how to distinguish private practice from other types of for-profit settings. Currently, the only definition of private practice is located in the social work licensing law. The Committee questioned whether it is better to create a definition of private practice which subsumes all for-profit entities, or, to attempt to define and distinguish private practice settings from other for-profit settings. Currently, many for-profit settings serve as placements for trainees. Forty-two percent of school programs reported that they place students in for-profit entities, such as substance abuse recovery programs, mental health clinics and medical settings (such as hospitals, medical groups, nursing homes, and dialysis clinics). Schools value the continued utilization of such settings, especially in light of the shortage of appropriate placement settings for students. According to survey data, thirty percent of schools do not have an adequate number of placements for their students. The Committee decided that the creation of a broad definition for private practice which encompassed all for-profit settings would be detrimental to the needs of many students and that it was therefore preferable to define acceptable for-profit settings and to distinguish such settings from private practice.

The Committee heard feedback from stakeholders (including CAMFT) on these issues, and discussed various definitions of private practice that are utilized in other states, such as NY and Ohio, or expressed by professional organizations, such as NASW and the Association of Social Work Boards. It was noted that the definitions of private practice utilized in Ohio and by NASW contain language for staff to consider as examples when drafting a proposed definition of private practice. The Committee directed staff to continue to work on drafting proposed definitions for private practice and acceptable for-profit settings.

III. Discussion of Possible Outreach Efforts to Educate Consumers about Therapy Settings and Consumer Rights

At its February 2018 meeting, the Committee discussed the Exempt and Private Practice Settings Survey results. The survey’s goal was to help determine whether consumers are being harmed by unlicensed staff performing clinical services in exempt settings, and to better understand the different types of settings in which clinical mental health services are provided.

The Committee discussed the survey results and felt that there were no indications that warranted major changes regarding exempt settings. However, it was suggested that efforts be made to better inform consumers about important qualities to look for when seeking mental health services, both in general and in exempt settings. This may include precautions for consumers, as well as explaining the characteristics of a competent therapist and/or therapy setting.

The Committee reviewed proposed language for a “Notice to Consumers” for use in Exempt settings. The proposed notice would require all individuals who provide psychotherapy in exempt settings, who are not licensed or registered with the Board, to provide consumers with a written notice in at least 12 point font that describes how a consumer may file a complaint with the agency about his or her therapist. The notice would be required to state: “The (office/unit/individual name) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed therapist providing

services at (agency name). To file a complaint, contact (telephone number, email address and mailing address).”

The Committee also discussed proposed language for a “Notice to Consumers” that would be applicable for use by all licensees and registrants. Licensees and registrants would be required to provide this notice to consumers in at least 12 point font, prior to initiating psychotherapy services, stating: “The Board of Behavioral Sciences receives and responds to complaints regarding the practice of psychotherapy. You may contact the Board online at www.bbs.ca.gov, by emailing bbs.consumercomplaint@dca.ca.gov, or by calling (916) 574-7830.

On the topic of consumer protection, the Board is currently in the process of revising the booklet entitled: “Self-empowerment-Choosing a mental health professional in California” which is presently available for consumers via the Board website. Stakeholders offered feedback regarding the content of this booklet, and staff attorney Mike Griffin from CAMFT offered feedback about the existing language with suggestions for improvement. The Committee and staff were receptive to the feedback and Mr. Griffin agreed to be available to offer additional input to staff regarding their continued efforts to improve this resource.

After discussing the proposed notices to consumers and receiving some input from stakeholders, a motion was made to approve the proposed language for the above-described consumer notices. The motion passed.

IV. Discussion of Possible Outreach Efforts to Educate Students about Practicum Placement Settings

At its February 2018 meeting, the Committee discussed the Practicum Coordinators’ Survey results. The Committee directed staff to create and revise definitions of different types of settings in order to help clarify which settings are acceptable for students pursuing licensure. In addition, the Committee considered methods to help students be better informed about issues pertaining to practicum settings.

In 2008, there was a major initiative undertaken to increase the Board’s outreach efforts, some of which was specifically geared toward students. Staff were made available to provide informational presentations relating to the licensing process and other topics as requested. However, when furloughs and a travel freeze were instituted in 2009, it required the Board to make some difficult decisions, one of which included limiting outreach efforts (note that some outreach efforts resumed once the furloughs and travel freeze were lifted, but are not at the prior level).

In 2008, the Board published student handbooks which provide information about degree requirements, registration with the board, experience requirements and exam requirements.

The Committee discussed the Board’s current outreach efforts to schools and students. The Committee recognized that it is important to have thorough and easily accessible resources on the Board’s website for students and pre-licensees to access regarding common questions. However, the Committee also expressed that it is also desirable to try and create more opportunities for individuals to obtain information about the path to licensure by means of teleconference, or access to recorded video

presentations, etc. It was suggested that the Board's executive officer, Kim Madsen, consider how she could provide more educational opportunities to schools and students by providing question and answer forums via teleconference. CAMFT discussed some of their efforts to reach out to pre-licensed individuals by means of workshops and teleconference.

V. Suggestions for Future Agenda Items

There were no suggestions for future agenda items and the meeting adjourned at 10:45 AM.