



February 26, 2015
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A. Budget

The 2014/2015 budget for the Board is \$9,139,000. As of December 31, 2014, the Board has spent \$4,251,882 reflecting 47% of the total budget.

The Board's budget for fiscal year 2015/2016 will be just over \$9 million dollars and includes two limited term positions and full time position authority for two existing half time positions. The two limited term positions will be dedicated to the examination restructure that becomes effective January 1, 2016. The Board was pleased to get positions approved since many other Department of Consumer Affairs Boards did not get approval for any positions. The Board indicated that it would appreciate any advocacy by stakeholder groups in support of the Governor's budget.

B. Operations/Personnel

The wait time for processing an MFT exam evaluation application is now approximately 3.5 months. As of February 23, staff was processing MFT exam evaluation applications from November 15, 2014. The additional staff for the licensing unit are responsible for the big reduction in the backlog. There are now 3 exam evaluators working on MFT exam evaluation applications.

The Board recommends that licensees and applicants contact the Board via email for a more timely response.

The Board is pleased that 776 individuals have taken advantage of online renewal since BreZE launched in November, 2014. The Board reminded interns to answer yes to the question inquiring about "renewing active".

C. BBS 70th Anniversary

The Board recognized the hard work of the staff to help the Board accomplish the goals and achieve the mission of consumer protection for 70 years.

D. Office of Professional Examinations Services

The Office of Professional Examination Services (OPES) presented an overview of the examination development process and examination security. OPES is charged with establishing and maintaining licensure examination programs that are fair, valid and legally defensible. OPES also provides occupational analysis, typically every 5-7 years. The analysis establishes the job-relatedness of

examinations. OPES oversees 47 different Boards, Bureaus and Committees. They provide an independent and objective perspective and provide continuous oversight.

Tests are created in multiple stages, with multiple sets of licensees. The first stage involves licensees receiving training on how to write questions and then they write questions based on the exam plan. After writing is complete, a separate group of licensees receive training and review the questions for clarity and accuracy. Another group of licensees is then trained and participate in exam construction to select the best 100 questions, based on the exam plan. Finally, another group of licensees (at least half of which have been licensed less than 5 years) actually “take” the examination to determine a score for a “minimally acceptable competence for licensure”.

OPES reviewed exam information sharing. Candidates are allowed to share information about the testing process, information about the testing facility, and the length of time at the site. Candidates may NOT share: specific content of test questions (names of vignette items, types of diagnoses, theories covered), how a candidate answered test questions, or which questions are possibly pretest questions.

E. English as a Second Language Accommodation for Exam Candidates

Board records indicate that from at least 2000 up to July 1, 2011, candidates who requested an ESL accommodation were granted extra time to take the board examinations. When the Board decided to end the ESL accommodation, it based the decision on the Office of Professional Examination Services (OPES), which reviewed the readability of the Board’s examination as well as other ESL issues. OPES considered that prior to entering a bachelor’s program or master’s program, ESL candidates take the Test of English as a Foreign Language (TOEFL). Further, the candidate receives the master’s degree in English. Based on this information, the Board felt it was reasonable to conclude that a candidate should be proficient enough to take the examination in English.

However, the Board decided to re-visit this subject and discussed the option of giving ESL candidates extra time (possibly time and a half) to take the exam (as was done until 2011), with some stated criteria. The Board reviewed the Board of Psychology proposed regulations that require the following for an ESL accommodation of extra time: the candidate submits a signed request for an ESL accommodation of extra time under penalty of perjury that English is his or her second language and a TOEFL IBT certification score of 85 or below must be sent by Educational Testing Service directly to the Board. The TOEFL must have been taken within the previous two years prior to the application. Their TOEFL IBT is composed of four parts that measure an individual’s reading, listening, speaking, and writing skills in English. The test can be taken online or in person at a testing center and the fee for taking the test is \$185. (CAMFT inquired whether there was a provision for a candidate to apply for a testing fee waiver for financial hardship and was told that there is no provision for a fee waiver.) A score of 85 would indicate that an individual has “low” to “intermediate” proficiency in English. The 45-day comment period has just ended on the Board of Psychology proposed no comments were received.

Another option discussed was to extend the 4-hour timeframe for the standard written exam for everyone. There could lead to increased costs to the Board and it was unclear if the testing vendor could accommodate extended testing at their sites.

The Board directed staff to research the option of extending the testing times for all candidate and report back at the next meeting.

F. AMFTRB National Examination for Licensure in CA

In 2011/2012, the Board engaged the services Applied Measurement Services, LLC (AMS) to assess the Association of Marriage and Family Therapy Regulatory Board (AMFTRB) examination to determine whether the national examination met prevailing standards for fair, valid, and legally defensible licensure examinations. It was noted that the LMFT practice in California is much broader than LMFT practice nationally.

In 2013, AMS determined that the AMFTRB national examination met professional and technical guidelines for examination validation, but noted some technical issues. Due to confidentiality agreement, AMS was not permitted to share some of these issues publicly. However, these issues were discussed with the Board Members in a closed session in the February 2013 board meeting. It was also noted that the AMFTRB exam was a paper and pencil test. AMS suggested that the Board continue to have discussions with AMFTRB to resolve the technical issues, though the Board ultimately decided not to proceed with AMFTRB at that time.

The administration of the AMFTRB national examination is now computer based. The 200-item examination is offered one week each month and examination results are provided 20 business days after the test period closes. This would allow candidates the opportunity to become licensed in California much sooner than under the Board's current examination structure since they must wait 180 days between examinations. (This waiting period coincides with the release of the different versions (two) of the Board developed examinations, though the Board is working to release three or four exam versions per year to allow for increased opportunities to take the exam.) The fee for the national examination is \$350. (The Board LFMT exam is \$200.) Additionally, AMFTRB now provides the examination plan on its website, which was a technical issue previously raised by AMS.

Effective January 1, 2016, the LPCCs and LCSWs will be taking a national examination as one of two required examinations for licensure in California, which provides for portability. LMFTs will continue to take two Board developed examinations for licensure in California.

The Board discussed whether it should consider accepting the national exam for LMFT in lieu of one of the Board-developed exams.

The Board directed staff to retain OPES to conduct a current evaluation of the AMFTRB exam and develop a pro/con analysis of accepting such an exam. CAMFT and AAMFT supported this exploration.

G. LMFT Trainees and Telehealth

Concerns have been raised that BPC §2290.5 (the statute that defines telehealth and sets provisions for the practice of telehealth for all healing arts licensees) is written only for licensed individuals (a definition which includes interns/associates, but not trainees, who are not yet under the jurisdiction of the Board.) However, at the same time, BPC §4980.43 allows MFT trainees to count some of their experience gained as an MFT trainee toward licensure, and allows some of this experience to be via telehealth. This is causing concern that MFT trainees and their supervisors may be vulnerable to liability for providing telehealth services, as §2290.5 does not include trainees.

To address this concern, staff worked to propose a solution via amendment to the LMFT statute (BPC §4980.43) clarifying that MFT trainees are permitted to perform telehealth, instead of amending the general telehealth statute (BPC §2290.5) because BPC §2290.5 affects all healing arts boards with a variety of license, registration, and other providers. At the same time, CAMFT introduced AB 250, which would address this issue via amendments to BPC §2290.5 directly.

CAMFT agreed to consider Board recommendations regarding the section where this issue should be addressed and amend AB 250. The Board directed staff to work with CAMFT on the language for AB 250.

H. Legislative Update

Board staff is currently pursuing the following legislative proposals:

1. Supervised Work Experience Requirements (*No Bill Number Assigned at This Time*)

This bill streamlines the experience requirements for LMFT and LPCC applicants. It eliminates the complex assortment of minimum and maximum hours of differing types of experience required for licensure (also known as the “buckets” of experience) and instead requires 1,750 hours of the experience to be direct clinical counseling hours. The remaining required 1,250 hours may be non-clinical experience.

The bill also makes amendments to LCSW law to allow LCSW applicants to count some direct supervisor contact hours, as well as some hours spent attending workshops, trainings, conferences, and seminars, toward their required experience.

CAMFT noted that licensees really benefit from personal psychotherapy hours and would like to see that provision re-considered for the bill. Also, CAMFT noted that it would like for the BBS to consider extending the grace period to 3-years since interns who graduated in 2014 or will graduate in 2015 probably will not be done with all of their hours by end of 2017. These prelicensees are operating under the present system (including gaining personal psychotherapy hours and incentive hours for couples/children) and they could potentially lose those hours if they cannot apply for the exam by December 31, 2017.

Board members were not supportive of allowing personal psychotherapy hours since they are not allowed for portability.

The Board voted to extend the grace period to 5 years. Candidates would need to submit hours that comply either with the current system **or** the new system.

This bill will be introduced by Senator Block.

2. Enforcement Process (*No Bill Number Assigned at This Time*)

This bill makes two separate amendments to the law governing the enforcement process:

- a) It modifies the Board’s requirements for an individual to petition for a termination of probation or modification of penalty. Under the proposal, the Board may deny a petition without hearing if the petitioner is not in compliance with the terms of his or her probation.

- b) It clarifies that the Board has jurisdiction to investigate and take disciplinary action even if the status of a license or registration changes or if the license or registration expires.

The goal of these changes is to increase the efficiency of the enforcement process. This bill proposal was approved by the Board at its November 20, 2014 meeting.

3. Omnibus Legislation (Senate Business, Professions, and Economic Development Committee) (No Bill Number Assigned at This Time)

This bill proposal makes minor, technical, and non-substantive amendments to clarify existing law. The Board approved language for this year's omnibus bill at its November 20, 2014 meeting. However, the need for an additional amendment to BPC Section 146 – Penalties for Unlicensed Practice has been identified.

The Board voted to add Licensed Education Psychologists (LEPs) and Licensed Professional Clinical Counselors (LPCCs) to the list of professions requiring a license to practice.

I. Rulemaking Update ***Continuing Education***

The Continuing Education regulations took effect on January 1, 2015. As of July 1, 2015, all Board-approved CE providers will no longer be renewed. Board-approved providers with a current Board-approved CE provider number may continue to offer CE courses until their provider number expires. This will cause the number of providers with Board approval to phase-out gradually, until the last expire on June 30, 2017.

Exam Re-Structure

This proposal would delay the effective date of the restructure until 2016.

The final proposal was approved by the Board at its meeting in August 2014. It was published in its California Regulatory Notice Register on November 14, 2014. The public hearing was held on December 29, 2014, and the 45-day public comment period has ended. This proposal is now under review by the Department of Consumer Affairs.

Uniform Standards for Discipline of Substance Abusing Licensees

A revised proposal was approved by the Board in March 2014. The public comment period has ended, and the proposal has been submitted to DCA and the State and Consumer Services Agency (SCSA) for review. Once approved by these entities, staff will submit it to OAL for final approval.

LPCC Treatment of Couples and Families

This proposal clarifies requirements for LPCCs to treat couples and families, and outlines a process by which LPCCs and PCC Interns would receive Board confirmation that they have met the requirements to treat couples and families.

The final proposal was approved by the Board at its meeting in May 2014. Staff is developing materials that are required for submission of the proposal to OAL for publication, which will begin the 45-day public comment period.

J. Strategic Plan Update

The Board was pleased to report application processing times have continued to decrease. CAMFT noted the Board is continuing efforts to improve the SME recruitment process and is increasing outreach to SMEs. In addition, the Board is developing tools to evaluate the performance of the SME to better assist the Board in investigations.

The Board is in the process of recruiting staff and evaluating internal procedures in light of the implementation of BreZEz.

Board staff is developing cost effective tools to help educate licensees through the exam restructure. At this time, they are considering the creation of videos, handouts and FAQ's to make needed information readily available online for applicants/licensees.

The Board will be present at the CALPCC conference and is participating in MFT Consortium conference calls.

Kim Madsen shared the BBS will send out its first newsletter in five years. The newsletter is expected to go online in early-March.

K. Supervision Committee Update

(Note: [Click here](#) to view the CAMFT minutes of all BBS Supervision Committee meetings.)

At the January meeting, the Committee discussed supervisor qualifications and reviewed the current supervisor requirements in California, a summary of ten other state's supervisor qualifications and a review of the "model" laws recommended by several professional associations. The Committee also commented on the draft of a survey to be sent to current supervisors in early-March, 2015.

The Board reviewed the remaining areas that the committee needs to address: supervision requirements, supervisor responsibilities, and employment/employers.

The remaining meetings for 2015 are as follows: April 10 (Southern California), June 26 (Southern California), August 7 (Sacramento), and October 23 (Sacramento).

L. Enforcement Process

(Note: [Click here](#) to view a detailed diagram of the BBS Enforcement Process.)

A BBS Enforcement Program Manager presented an overview of the enforcement process.

The various complaint/information sources were covered and a brief explanation of the complaint desk investigation process was reviewed. Per Board member inquiry, it was noted that citations and fines remain online for five years and formal discipline appears online indefinitely.

M. Board Standing Committees

The Board discussed establishing Standing Board Committees (in addition to the Policy and Advocacy Committee) and how these would impact 2015 projects and goals.

Board members agreed to continue using an ad-hoc committee approach versus standing committees. It was stated that ad-hoc committees have worked well due to the focused topic areas and limited time commitment. The Board mentioned that it is hopeful an ad hoc committee will review the exempt setting issue in 2016 (after the supervision issue).

The Board will establish a two (2) person committee to work with staff to develop the Sunset Report. It was decided that the Board Chair will serve on the Committee and appoint one other Board member. The Board discussed developing a Board policy that specifies the number of years a Board member may serve on a standing committee. Board members agreed to leave the process as is, in light of the difficulty in finding qualified members who are willing and able to serve.

N. Consideration of California Psychological Association (CPA) as a Board-Recognized Continuing Education Provider Approval Agency

(Note: CAMFT has already been approved as a [Board-Recognized Continuing Education Provider Approval Agency](#).)

The CPA presented an application to become a Continuing Education Provider Approval Agency. The Board voted to recognize the California Psychological Association as an approval agency.