



VIA EMAIL

Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834

May 1, 2023

RE: SB 766—Position of Oppose Unless Amended

Dear Members of the Board of Behavioral Sciences:

On behalf of the 1,800 members of the California Association for Licensed Professional Clinical Counselors (CALPCC), we request that the Board of Behavioral Sciences (BBS) take an **Oppose Unless Amended** position on SB 766; or in the alternative, take No Position. This bill will result in **job losses to psychotherapists throughout California** as well as **decreased access to mental health care** in an already unsteady mental health infrastructure.

Depth of Negative Impact Still Being Determined

The unintended negative consequences of this bill are still being assessed:

Entities and Patient Types Impacted: Here are samples of types of locations that will be impacted: county positions, drug and alcohol facilities, mental health agencies, hospitals, universities, public schools, group homes, residential treatment centers, adoption agencies, religious centers, foster care agencies, hospice agencies, and retirement communities.

Job Opportunity Restrictions: Being the late comers to California's mental health licensure family, Licensed Professional Clinical Counselors (LPCCs) know painfully well how glacially slow both public and private agencies are to amend, adapt, and change their hiring and employment practices to reflect statutory changes. While the bill delays until 2029 the restriction for those in positions with "Social Work" titles, it does so for those who are employed in those positions before January 1, 2024. The effect is that beginning January 1, 2024, LPCCs, LMFTs and Associate PCCs and MFTs could not be hired into any position that has a "Social Work" title. Furthermore, LPCCs and LMFTs already in "Social Work" positions would no doubt find advancement opportunities limited or completely halted by SB 766. Thus, the bill narrows the hiring field for employers, narrows the employment field for LPCCs and LMFTs, and thereby decreases access to mental health care for Californians.

Enforcement Entity: It remains unclear what role the BBS would play in the enforcement of violations under SB 766. An LMFT/LPCC employee with the title "Social Worker" (whose employer did not know or did not implement the title change) would be in violation of SB 766 and subject to disciplinary action by the BBS. It is unclear how many LPCCs and LMFTs are impacted by these restrictions, but it is sure to be in the thousands.

Statutory and Regulatory Amendments: It is likely that there are statutes and regulations throughout California law that would need to be amended to ensure this legislation does not directly cause job loss, hiring loss, and loss of access to care. All California laws/regulations that reference the term “social worker” would need to be reviewed to ensure there are no unintended consequences. An intentional and thoughtful review, assessment, and then introduction of bills (and regulatory processes) takes time and resources.

Funding Streams: It is not uncommon for funding contracts to include language surrounding job titles that an employer must adhere to; in such cases, this bill would prohibit those currently employed from continuing in those jobs or others from being hired without those funding streams being updated. For example, the agency that uses a standalone grant that specifies requirements of a “social worker” and the positions are currently filled by LMFTs or LPCCs. The rural hospice agency that funds “social worker” positions through Medicare that has been interpreted to include those with mental health degrees (such as LMFTs, LPCCs, and even psychologists). How a title change mandate would impact these funding sources is unknown and would need to be researched, assessed, and modified for any and all entities in question.

Other States Use of the Term “Social Worker”

It has been offered by the sponsor, that there is title protection for the term “social worker” in other states. First, other states very likely have different cultural and systemic terminology woven throughout their mental health infrastructure, thus the impact may be nominal in those states. Second, other states routinely have laws that the California Legislature would be dismayed to follow (California should set good precedent and law, not be a follower of law simply because other states have it.)

Offered Amendments

CALPCC offered amendments exempting LMFTs and LPCCs from the bill, which was declined.

Thank you for your consideration. CALPCC is on the record with an **Oppose Unless Amended** position unless LMFTs and LPCCs are exempted; and we are asking the BBS to do the same.

Sincerely,



Kenneth F Edwards, MA, LPCC
Executive Director
California Association for Licensed Professional Clinical Counselors

cc: The Honorable Susan Eggman
National Association of Social Workers, California Chapter
California Association of Marriage and Family Therapists