



Board of Behavioral Sciences

Memo

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To: Policy and Advocacy Committee Members **Date:** October 15, 2018
From: Christy Berger **Telephone:** (916) 574-7817
Regulatory Analyst
Subject: Discussion and Possible Recommendations Regarding Practice Setting Definitions

The Exempt Setting Committee has developed draft definitions for different types of practice settings that offer mental health services. Setting definitions are necessary in order to help clarify acceptable practicum settings for students, and to implement efforts to protect consumers receiving psychotherapy from unlicensed/unregistered therapists in exempt settings.

Background: Exempt Settings

In current law, the only fully-defined type of setting are those specified in law as exempt from Board of Behavioral Sciences' licensure requirements for their employees (if the work is performed solely under the supervision of the employer). In exempt settings, unlicensed/unregistered individuals who are not pursuing a license are permitted to provide psychotherapy services. Those settings are:

- Nonprofit and charitable entities (a 501(c)(3) or a church/religious organization that meets certain federal requirements)
- Schools (whether public, private, for-profit or non-profit)
- Governmental agencies

After reviewing the Exempt Setting Survey results (full results presented at the February 23, 2018 Exempt Setting Committee [meeting](#)), the Committee members expressed interest in addressing exempt setting agencies where consumer protection may be lacking. The survey results indicated that some agencies do not fingerprint employees (16% of survey respondents), do not have a licensee supervising unlicensed/unregistered staff (34%), or do not have a consumer complaint process (15%).

Proposed Language: Exempt Settings

The Committee developed language that would require unlicensed/unregistered therapists working in an exempt setting to provide consumers with a printed disclosure, prior to initiating psychotherapy, containing information about how to file a complaint about the therapist with the agency.

In addition, the Committee developed language that would require **all** settings in which psychotherapy is performed, including private practices, to provide written information to consumers about where to file a complaint with the Board about a licensed or registered

psychotherapist. This is currently a requirement in law for other health professions including psychologists, physicians and dentists.

The proposed language is provided in **Attachment A**.

Background: For-Profit Business Entities

There are a variety of for-profit business entity types that may be set up for the purpose of providing mental health services. Despite there being a number of laws that reference “private practice” for each of the professions, LCSW statute is the only one that defines private practice, and that definition is lacking in specificity. Current law does not contain definitions for any other types of for-profit entities with the exception of professional corporations. See **Attachment B** for the LCSW private practice definition, as well as the professional corporation definitions.

Many for-profit settings do not meet the criteria for what is normally considered a private practice or professional corporation. Other types of for-profit business entities include :

- Companies owned, in full or in part, by an individual who is not a licensee
- Partnerships (multiple owners, can be licensees or non-licensees)
- General stock corporations such as:
 - Telecare (employee-owned)
 - Health Net of California which owns MHN, an employee assistance program
- Public benefit corporations
- Flexible purpose corporations

Types of for-profit companies may include, but are not limited to:

- Mental health clinics
- Substance abuse recovery programs
- Medical settings such as hospitals, medical groups, nursing homes, hospices, dialysis clinics

Certain types of for-profit companies are regulated by the State of California. The type of oversight varies, from lightly to heavily regulated. All of the for-profit company types listed in the above bullet points are settings regulated either by the state Department of Public Health or Department of Health Care Services, although nonresidential substance abuse treatment programs can operate without a state license.

The American Public Health Association has expressed concerns about entities that are owned and/or managed by non-licensees¹, stating, “The primary fiduciary responsibility of for-profit health care corporations is to their shareholders, not to the health of their patients. For the for-profit health care entities and the caregivers who share in their profits or whose patient care decisions can be influenced by financial incentives, there is a clear potential for conflict of interest.”

However, the profit potential in mental health is not as high as in the medical field, and for-profit companies would be motivated to avoid liability by providing effective treatment.

¹ “The Issue of Profit in Health Care.” *American Public Health Association*, 01 Jan. 1997, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/30/09/10/the-issue-of-profit-in-health-care>.

Proposed Definitions: Private Practice and “Other For-Profit” Settings

The Committee developed language that would separately define “Private Practice” (including professional corporations, which is already assumed under the law as a private practice) and “Other For-Profit” settings. The Committee considered including “other for-profit” settings within the private practice definition. However, the decision was made to define them separately because it would subject these types of companies to all of the laws pertaining to private practices. The proposed language is provided in **Attachment C**.

See **Attachment D** for a summary of all laws identified that would be impacted by creating separate definitions, and the possible implications. While staff was unable to identify in all cases why certain laws only apply to private practices, it can be reasonably assumed that there are greater concerns about consumer protection in such settings, which lack any other layers of oversight. There may also be concerns about possible abuses of registrants. While some “other for-profit” settings may have a layer of oversight, not all do, and there are some real concerns to be considered about how a profit motive may have a negative impact.

It is important to keep in mind that none of the laws referred to in **Attachment D** currently apply to exempt settings, or to “other for-profit” settings. It is recommended that the Committee carefully review each item in **Attachment D** to consider the possible implications of the proposed definitions. When considering the implications, the Committee may want to consider where there is a consumer protection issue, a workforce issue, a potential for abuse of registrants, etc.

Additional Detail: “Other For-Profit” Settings – Students and Recent Graduates

This issue is included in **Attachment D** (#4) but further detail is provided here. Current law prohibits an individual from providing clinical mental health services to the public unless registered or licensed with the appropriate state licensing Board, or unless a specific exemption in law applies to the individual. There are two such exemptions that require discussion. Note that neither exemption allows the individual to work in a private practice:

- The exemption for students pursuing a degree program leading to licensure.
- The exemption for applicants who apply for associate registration within 90 days of graduation.

Background pertaining to these two exemptions, as it relates to defining “private practice” and “other for-profit” settings separately, is provided below.

Student Placements

Students in a degree program leading to LMFT or LPCC licensure are currently prohibited from being placed in a private practice for practicum or other experience. For LCSW students, the law is less clear but does imply no private practice. Because the proposed definition of “private practice” excludes “other for-profit” settings, this law change would clarify that students may be placed in “other for-profit” settings. However, there is some question as to whether such settings are truly appropriate for students.

The *Practicum Coordinator Survey* results (presented at the [November 3, 2017 Exempt Setting Committee](#)) indicated that students in 42% of California’s LMFT, LCSW and LPCC degree programs are currently being placed in other for-profit settings. Problems with for-profit settings have not been reported, although the survey results indicated that substance abuse recovery programs are sometimes not ideal because they can be limited in scope. Note that the survey results also indicated that 30% of schools do not have enough placements for their students.

The proposed language would allow students pursuing licensure to continue to be placed in “other for-profit” settings, while maintaining the restriction on placement in a private practice.

Graduates Pending Associate Registration

Current law states, “An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the Board.” This means that recent graduates who have submitted an associate application may work in any other type of setting.

The proposed language defines “other for-profit” settings separately from private practice, and would clarify that graduates who have applied for associate registration are permitted to work in “other for-profit” settings.

Suggested discussion:

1. It is appropriate to continue allowing students to be placed in “other for-profit” settings?
There is some question as to why the law currently prohibits students from being placed in private practice settings, and “other for-profit” settings are not prohibited yet have a number of commonalities with private practices.
2. Is it appropriate to continue allowing applicants pending associate registration to provide clinical services in “other for-profit” settings? Note that:
 - Students have oversight by the school. Those pending associate registration have no oversight except by the employer.
 - If students are allowed to work in an “other for-profit” setting, but graduates pending registration cannot, this would create a gap where the individual may lose their job upon graduation or have to take a leave of absence.

Proposed Language Re: LCSW Students

As mentioned previously (under the “Student Placements” heading above), for degree programs leading to LCSW licensure, current law reads somewhat differently than for LMFT and LPCC law. Business and Professions Code section 4996.15 generally allows students to be placed in exempt settings or “in a recognized training program.” The reference to “recognized training program” may be obsolete. This phrase is proposed to be deleted as it could give the impression that other types of settings, including private practice, are acceptable. See **Attachment E** for the proposed changes to section 4996.15.

Recommendation

Conduct an open discussion about the proposed language. Direct staff to make any discussed changes and any non-substantive changes, and submit to the full Board for consideration.

Attachments

Attachment A: Proposed Language: Exempt Settings / Notice to Consumers

Attachment B: Professional Corporation Definitions; LCSW Private Practice Definition

Attachment C: Proposed Language: For-Profit Setting Definitions

Attachment D: California Laws Referencing “Private Practice”

Attachment E: Proposed Language: Students Pursuing a Master’s Degree in Social Work

**ATTACHMENT A
PROPOSED LANGUAGE**

**Exempt Settings
Board Licensees:
Notice to Consumers**

Amend §4980.01 (LMFT)

(c)(4) This chapter shall not apply to an employee or volunteer working in any of the following settings if his or her work is performed solely under the supervision of the employer a governmental entity, a school, or an institution that is both nonprofit and charitable if:

~~(A) A governmental entity.~~

~~(B) A school, college, or university.~~

~~(C) An institution that is both nonprofit and charitable.~~

~~(2) This chapter shall not apply to a volunteer working in any of the settings described in paragraph (1) if his or her work is performed solely under the supervision of the entity, school, or institution.~~

(1) The individual's work is performed solely under the supervision of the entity;

(2) The individual performs those functions as part of the position for which the individual is employed or is volunteering; and,

(3) The individual, if not licensed or registered with the Board, and if providing psychotherapy services, provides consumers with a written notice that complies with all of the following:

(A) The notice is provided prior to initiating psychotherapy services;

(B) The notice is provided in at least 12-point font; and,

(C) The notice reads as follows:

NOTICE TO CONSUMERS

The (office/unit name) of the (agency name) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (agency name). To file a complaint, contact (telephone number, email address, website address and/or mailing address).

Add §4980.32 (LMFT)

Licensees and registrants shall provide a written notice to consumers in at least 12-point font prior to initiating psychotherapy services that reads as follows:

NOTICE TO CONSUMERS

The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice for marriage and family therapists. You may contact the Board online at www.bbs.ca.gov, or by calling (916) 574-7830.

Add §4989.17 (LEP)

Licensees shall provide a written notice to consumers in at least 12-point font prior to initiating psychological services that reads as follows:

NOTICE TO CONSUMERS

The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice for licensed educational psychologists. You may contact the Board online at www.bbs.ca.gov, or by calling (916) 574-7830.

Amend §4996.14 (LCSW)

(a) This chapter shall not apply to an employee or volunteer ~~who is working in any of the following settings if his or her work is performed solely under the supervision of the employer:~~ a governmental entity, a school, or an institution that is both nonprofit and charitable if:

~~(1) A governmental entity.~~

~~(2) A school, college, or university.~~

~~(3) An institution that is both nonprofit and charitable.~~

~~(b) This chapter shall not apply to a volunteer who is working in any of the settings described in subdivision (a) if his or her work is performed solely under the supervision of the entity, school, college, university, or institution.~~

(1) The individual's work is performed solely under the supervision of the entity;

(2) The individual performs those functions as part of the position for which the individual is employed or is volunteering; and,

(3) If the employee or volunteer is not licensed or registered with the Board, he or she provides consumers with the notice described in paragraph (b) prior to initiating psychotherapy services.

(b) The individual, if not licensed or registered with the Board, and if providing psychotherapy services, provides consumers with a written notice that complies with all of the following:

(1) The notice is provided prior to initiating psychotherapy services;

(2) The notice is provided in at least 12-point font; and,

(3) The notice reads as follows:

NOTICE TO CONSUMERS

The (office/unit name) of the (agency name) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (agency name). To file a complaint, contact (telephone number, email address, website address and/or mailing address).

Add §4996.75 (LCSW)

Licenseses and registrants shall provide a written notice to consumers in at least 12-point font prior to initiating psychotherapy services that reads as follows:

NOTICE TO CONSUMERS

The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice for clinical social workers. You may contact the Board online at www.bbs.ca.gov, or by calling (916) 574-7830.

Amend §4999.22 (LPCC)

(d) This chapter shall not apply to an employee ~~of or~~ volunteer working in a governmental entity, ~~or a school, college, or university, or of an institution that is both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, college, university, or institution by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed. if:~~

(1) The individual's work is performed solely under the supervision of the entity;

(2) The individual performs those functions as part of the position for which the individual is employed or is volunteering; and,

(3) The individual, if not licensed or registered with the Board, and if providing psychotherapy services, provides consumers with a written notice that complies with all of the following:

(A) The notice is provided prior to initiating psychotherapy services;

(B) The notice is provided in at least 12-point font; and,

(C) The notice reads as follows:

NOTICE TO CONSUMERS

The (office/unit name) of the (agency name) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered counselor providing services at (agency name). To file a complaint, contact (telephone number, email address, website address and/or mailing address).

Add §4999.71 (LPCC)

Licenseses and registrants shall provide a written notice to consumers in at least 12-point font prior to initiating psychotherapy services that reads as follows:

NOTICE TO CONSUMERS

The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice for professional clinical counselors. You may contact the Board online at www.bbs.ca.gov, or by calling (916) 574-7830.

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ATTACHMENT B

PROFESSIONAL CORPORATION DEFINITIONS

The California Corporations Code (section 13401(b)) defines “professional corporation” as:

“...a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute.”

BBS Statute (Business and Professions Code sections 4987.5, 4998 and 4999.123) define a professional corporation as:

“...a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are licensed marriage and family therapists, physicians and surgeons, psychologists, licensed professional clinical counselors, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act...”

LCSW “PRIVATE PRACTICE” DEFINITION

Business and Professions Code (section 4996.23(i)) defines “private practice” as:

“... a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.”

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**ATTACHMENT C
PROPOSED LANGUAGE**

FOR-PROFIT SETTING DEFINITIONS

PRIVATE PRACTICE DEFINITION (LMFT, LCSW & LPCC)

For the purposes of this chapter, a “private practice” is business that provides clinical mental health services, including psychotherapy, and meets all of the following:

(a) The business is solely owned and directed by one of the following:

(1) One or more licensed health professionals whose scope of practice permits the licensee to provide clinical mental health services, including psychotherapy.

(2) One or more licensed health professionals who have formed a professional corporation pursuant to Part 4 of Division 3 of Title 1 of the Corporations Code who employ licensed mental health professionals to provide clinical mental health services, including psychotherapy, at the business.

(b) The business is a type of business that may only be owned and operated by one or more licensed mental health professionals, or other licensed individuals permitted by law to allow licensed mental health professionals to provide clinical services at the business.

(c) The licensed professionals have responsibility for the practice and services provided, and set conditions of client payment or reimbursement for the provision of services.

(d) “Licensed mental health professionals” includes licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers, licensed professional clinical counselors, licensed psychologists, licensed physicians and surgeons, registered psychiatric/mental health nurses, registered associate marriage and family therapists, registered associate clinical social workers, and registered associate professional clinical counselors.

OTHER FOR-PROFIT SETTING DEFINITION (LMFT, LCSW & LPCC)

For the purposes of this chapter, an “other for-profit setting” is a for-profit business which provides mental health services and is owned, in full or in part, by one or more individuals who are not licensed mental health professionals.

PRIVATE PRACTICE DEFINITION (LEP)

For the purposes of this chapter, a “private practice” is business that provides educational psychology services, and meets all of the following:

(a) The business is solely owned and directed by one of the following:

(1) One or more licensed health professionals whose scope of practice permits the licensee to provide educational psychology.

(2) One or more licensed health professionals who have formed a professional corporation pursuant to Part 4 of Division 3 of Title 1 of the Corporations Code who employ licensed educational psychologists to provide educational psychology services at the business.

(b) The business is a type of business that may only be owned and operated by one or more licensed mental health professionals, or other licensed individuals permitted by law to allow licensed educational psychologists to provide clinical services at the business.

(c) The licensed professionals have responsibility for the practice and services provided, and set conditions of client payment or reimbursement for the provision of services.

(d) “Licensed mental health professionals” includes licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers, licensed professional clinical counselors, licensed psychologists, licensed physicians and surgeons, registered psychiatric/mental health nurses, registered associate marriage and family therapists, registered associate clinical social workers, and registered associate professional clinical counselors.

OTHER FOR-PROFIT SETTING DEFINITION (LEP)

For the purposes of this chapter, an “other for-profit setting” is a for-profit business which provides educational psychology services and is owned, in full or in part, by one or more individuals who are not licensed educational psychologists.

ATTACHMENT D

California Laws Referencing “Private Practice” (based on law effective January 1, 2019)

- Professional corporations are always considered a private practice under the law unless otherwise specified.
- A private practice may or may not be a professional corporation.

CURRENT LAW	REASON FOR LAW	POSSIBLE IMPLICATIONS OF EXCLUDING “OTHER FOR-PROFIT” SETTINGS FROM THE “PRIVATE PRACTICE” DEFINITION	FOR DISCUSSION
<p style="text-align: center;">MILITARY MEMBERS ISSUED A RENEWAL WAIVER PROHIBITED FROM WORKING IN PRIVATE PRACTICE</p> <p>1. Allows active duty military member to apply for a renewal waiver and prohibits a licensee from working in a private practice while holding the waiver.</p> <p><i>(Business and Professions Code (BPC) §114.3)</i></p>	<p>Purpose of renewal waiver is to support individuals called to active military status.</p> <p>Private practice possibly disallowed because continuing education requirements are waived (<i>assumption</i>). Other settings ok because there is generally greater structure and oversight in non-private practice settings (<i>assumption</i>).</p>	<p>Would clarify that an active duty military member who is a BBS licensee would be allowed to work in an “other for-profit” setting while holding a renewal waiver (not required to pay fee or complete continuing education). Note that only six individuals have held a military renewal waiver since 2016.</p>	<p>Should active duty military on a renewal waiver be permitted to work in an “other for-profit” setting?</p>
<p style="text-align: center;">PRIVATE PRACTICE RESTRICTION ON FICTITIOUS BUSINESS NAMES</p> <p>2. Prohibits a LMFT, LCSW or LPCC who conducts a private practice under a fictitious business name from using a name which is false, misleading or deceptive, and requires informing clients of the name and license type of the practice owner(s).</p> <p><i>(BPC §§4980.46, 4992.10 and 4999.72)</i></p>	<p>Consumer protection.</p>	<p>Would clarify that “other for-profit” companies are excluded from the BBS fictitious business names law. No California law could be located that specifically prohibits a for-profit entity, other than a private practice, from using name that is “false” or “deceptive” or that requires informing clients of the actual name or license type of the owner.</p>	<p>Should other types of for-profit settings be subject to the BBS fictitious business names law? Since other for-profit settings are not otherwise regulated by the BBS, there may be no enforcement mechanism.</p>

CURRENT LAW	REASON FOR LAW	POSSIBLE IMPLICATIONS OF EXCLUDING "OTHER FOR-PROFIT" SETTINGS FROM THE "PRIVATE PRACTICE" DEFINITION	FOR DISCUSSION
<p>LICENSED EDUCATIONAL PSYCHOLOGISTS IN PRIVATE PRACTICE</p> <p>3. States that it is unprofessional conduct for an LEP, when employed by another person or agency, to encourage the employer's or agency's clientele to use his or her private practice for further counseling without the approval of the employing agency or administration.</p> <p><i>(BPC §4989.54)</i></p>	<p>Conflict of interest issue. Intended to prevent an LEP from profiting from the employer's clients (<i>assumption</i>).</p>	<p>The statute's use of the terms "his or her" private practice strongly implies an individual licensee in private practice. Thus, "other for-profit" companies are currently excluded.</p>	<p>Should a separate private practice definition be developed for LEP law that prohibits this action in any company wholly or partially owned by an LEP which offers services related to the LEP scope of practice?</p>
<p>UNREGISTERED INDIVIDUALS MAY NOT WORK IN PRIVATE PRACTICE</p> <p>4. Prohibits a LMFT or LPCC Trainee from working in a private practice.</p> <p><i>(BPC §§4980.43.3 and 4999.46.3)</i></p> <p>5. Prohibits an applicant for associate registration from working in a private practice until registered with the Board.</p> <p><i>(BPC §§4980.43, 4996.23 and 4999.46)</i></p>	<p>Consumer protection, as these individuals have no Board oversight.</p>	<p>Would clarify that LMFT and LPCC Trainees (students) are permitted to work in "other for-profit" settings.</p> <p>Would clarify that individuals who have graduated from a qualifying degree program may work in an "other for-profit setting" while awaiting registration.</p>	<p>See memo for discussion.</p>

CURRENT LAW	REASON FOR LAW	POSSIBLE IMPLICATIONS OF EXCLUDING "OTHER FOR-PROFIT" SETTINGS FROM THE "PRIVATE PRACTICE" DEFINITION	FOR DISCUSSION
<p>SUPERVISOR EMPLOYMENT/PRACTICE REQUIREMENTS IN PRIVATE PRACTICE</p> <p>6. Requires an associate working in a private practice to be supervised by:</p> <ul style="list-style-type: none"> • An individual who is employed by and practices at the same site as the associate's employer; OR • An individual who is an owner of the private practice. <p>AND</p> <ul style="list-style-type: none"> • If the site is incorporated, the supervisor must be employed full-time at the site and actively engaged in performing professional services at the site. <p><i>(BPC §§4980.43.4, 4996.23.3 and 4999.46.4)</i></p>	<p>To ensure adequate oversight (<i>assumption</i>). Other settings ok because there is generally greater structure and oversight in non-private practice settings (<i>assumption</i>).</p>	<p>Would clarify that supervisors in "other for-profit" settings (except for all types of corporations) are not required to be employed by the associate's employer and are not required to practice at the same site as the associate's employer.</p>	<p>Discuss whether there is adequate oversight in "other for-profit" settings that are not corporations, that would safely allow the use of supervisors who:</p> <ul style="list-style-type: none"> • Are not employed by the associate's employer; or, • Do not practice at the same site as the associate's employer; or, • Both of the above.

CURRENT LAW	REASON FOR LAW	POSSIBLE IMPLICATIONS OF EXCLUDING "OTHER FOR-PROFIT" SETTINGS FROM THE "PRIVATE PRACTICE" DEFINITION	FOR DISCUSSION
<p>REIMBURSEMENT OF EXPENSES VIA 1099 PROHIBITED IN PRIVATE PRACTICE</p> <p>7. Allows Associates, MFT and PCC Trainees, and applicants for licensure who serve as a volunteer in a non-private practice setting to be considered an employee if payments received are solely for reimbursement of expenses. Allows for expenses to be audited.</p> <p><i>(BPC §§4980.43.3, 4996.23.2 and 4999.46.3).</i></p>	<p>Avoids volunteers having hours of experience denied because they appeared to be an independent contractor (i.e., issued a 1099), when they were issued a 1099 solely to report actual expenses reimbursed.</p> <p>Not allowed in private practice to avoid possible abuses <i>(assumption).</i></p>	<p>Would clarify that reimbursement of expenses via 1099 is allowed for volunteers working in "other for-profit" settings.</p>	<p>Discuss whether reimbursement of expenses should be allowed via 1099 for volunteers working in "other for-profit" settings.</p>
<p>MAXIMUM NUMBER OF SUPERVISEES IN PRIVATE PRACTICE</p> <p>8. Prohibits a supervisor in a private practice or professional corporation from supervising, at any one time, more than three associates.</p> <p><i>(BPC §§4980.43.4, 4996.23.3 and 4999.46.4).</i></p>	<p>To ensure proper supervision in a setting where there may be no other oversight.</p>	<p>Would clarify that supervisors in "other for-profit settings" may supervise more than three associates at one time.</p>	<p>Discuss whether supervisors in "other for-profit" settings should be permitted to supervise more than three associates.</p>

CURRENT LAW	REASON FOR LAW	POSSIBLE IMPLICATIONS OF EXCLUDING "OTHER FOR-PROFIT" SETTINGS FROM THE "PRIVATE PRACTICE" DEFINITION	FOR DISCUSSION
<p>PRIVATE PRACTICE PROHIBITED AFTER 6-YEAR REGISTRATION RUNS OUT</p> <p>9. Prohibits an AMFT, ASW or APCC from being employed by or volunteering in a private practice after the initial six-year registration becomes cancelled.</p> <p><i>(BPC §§4984.01, 4996.28, 4999.45 and 4999.100)</i></p>	<p>To prohibit individuals from providing services indefinitely as a registrant in a private practice (maintains openings for others to gain supervised private practice experience).</p>	<p>Would clarify that registrants may be employed or volunteer in "other for-profit" settings after the initial six-year registration runs out.</p> <p>NOTE: The 6-year limit for registrants in private practice was discussed as a general topic by the Policy and Advocacy Committee at its meeting in June 2016. The Committee took no action on the issue. However, the Committee did not discuss the limit in the context of "other for-profit" settings.</p>	<p>Discuss whether it is acceptable for individuals to provide services as a registrant indefinitely in "other for-profit" settings.</p>
<p>LPCC COMMUNITY MENTAL HEALTH SETTING EXPERIENCE</p> <p>10. 150 hours of experience in a "community mental health setting" is required for LPCC licensure, and is defined as settings where "clients routinely receive psychopharmacological interventions in conjunction with psychotherapy" and "clients receive coordinated care that includes the collaboration of mental health providers."</p> <p>Excludes private practices, professional corporations, and corporations of unlicensed individuals from the definition of "community mental health setting."</p> <p><i>(BPC §4999.12(o) and 16CCR §1820(d))</i></p>	<p>The required 150 hours of experience in such settings was included in the legislation that established LPCC licensure in California in order to address opposition to the bill.</p> <p>Private practices, professional corporations and corporations of unlicensed individuals are excluded from the definition because they are less likely to offer coordinated/collaborative care. <i>(assumption)</i></p>	<p>Would clarify that "other for-profit" settings (except for corporations of unlicensed individuals) may be acceptable as a "community mental health setting" for purposes of gaining the required 150 hours of experience toward licensure.</p>	<p>It appears that the types of settings were carefully considered when this law was written.</p> <p>However, the Committee may wish to discuss whether "other for-profit" settings are likely to offer psychopharmacological interventions in conjunction with psychotherapy, and to offer coordinated/collaborative care. If not, should such settings also be excluded?</p>

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ATTACHMENT E
PROPOSED LANGUAGE

Students Pursuing a Master's Degree in Social Work

Amend §4996.15

Nothing in this article shall restrict or prevent activities of a psychosocial nature on the part of persons employed by accredited academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or social work interns pursuing the course of study leading to a master's degree in social work in an accredited college or university, ~~or working in a recognized training program,~~ provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by such titles as social work interns, social work trainees, or other titles clearly indicating the training status appropriate to their level of training. The term "social work intern," however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work. A student shall not perform clinical social work in a private practice.

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