



POLICY AND ADVOCACY COMMITTEE MINUTES

September 30, 2016

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd., S#220
Sacramento, CA 95834

Committee Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Public Member
Samara Ashley, Public Member

Committee Members Absent

Scott Bowling, Public Member

Staff Present

Kim Madsen, Executive Officer
Rosanne Helms, Legislative Analyst
Christy Berger, Regulations Analyst
Christina Kitamura, Administrative Analyst
Angelique Scott, Legal Counsel

Guests

See sign in sheet

COMMITTEE OPEN SESSION

I. Call to Order

Christina Wong, Chair of the Policy and Advocacy Committee, called the meeting to order at 9:03 am. Christina Kitamura called roll and a quorum was established.

II. Introductions

The Committee and Board staff introduced themselves. Meeting attendees voluntarily introduced themselves.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

III. Approval of the April 15, 2016 Policy and Advocacy Committee Meeting Minutes

Approval of the April 15, 2016 meeting minutes was deferred to the November 2-4, 2016 Board Meeting.

IV. Discussion and Recommendations for Possible Action Regarding the Board’s Omnibus Bill

Rosanne Helms stated that the purpose of the Omnibus Bill is to make technical – noncontroversial amendments to the Board of Behavioral Sciences (Board) law. Ms. Helms explained that the Omnibus Bill is authored by the Senate Business and Professions Committee every year and is sponsored by the Board.

a. Amend BPC Sections 801, 801.1, and 802 – Judgment and Settlement Reporting Amounts

Ms. Helms explained that under current law, all healing arts licensees must report all judgments or settlements for negligence claims in excess of a certain dollar amount to his or her licensing board. For most of the healing arts boards, this amount is \$3,000.

For the Board’s LMFT, LCSW, and LPCC licensees, this reporting amount is \$10,000. However, there is a reference error in law. The law states Board licensees subject to “Chapter 14 (commencing with Section 4990)” are subject to this reporting requirement. While Chapter 14 refers to LCSW statute, section 4990 is a reference to the beginning of the Board’s general provisions. This error needs to be corrected.

In addition, LEPs are not included in the list of licensees that are subject to the \$10,000 reporting requirement. Instead, they are subject to the \$3,000 reporting requirement. The Board’s Enforcement Unit notes that there is no known reason why the reporting threshold should be any different for LEPs, and such a difference for only one Board license type is arbitrary and potentially confusing for staff and licensees.

Ms. Helms also noted that the reference to the Board of Behavioral Sciences Examiners in BPC 801.1(b) should be corrected to reflect the correct title Board of Behavioral Sciences.

Ms. Wong summarized the changes Ms. Helms discussed. Ms. Wong asked the Committee Members and the public for any comments. No comments were offered.

88 **b. Amend BPC Sections 4980.09 and 4999.12.5 – Registration Title Name**
89 **Change for LMFT and LPCC Applicants**

90 Ms. Helms stated that in 2016, legislation was signed to change the “intern” title to
91 “associate” for LMFT and LPCC registrants.

92
93 In the 2016 legislation, staff proposed language stating that any reference to a
94 “marriage and family therapist intern” or “professional clinical counselor intern”
95 shall be deemed a reference to an “associate marriage and family therapist” or an
96 “associate professional clinical counselor,” respectively.

97
98 At the time the language was drafted, Legislative Counsel recommended adding a
99 more generic statement that any reference in law or regulation to the term “intern”
100 shall be deemed a reference to an “associate.” Although Legislative Counsel
101 drafted this proposed language, it was not amended into last year’s bill.

102 Therefore, staff believes it should be included in this year’s bill, ahead of the title
103 change effective date of January 1, 2018.

104
105 Ms. Wong asked the Committee Members and the public for any comments. No
106 comments were offered.

107
108 **c. Amend BPC Sections 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62,**
109 **4999.63, and 4999.120, Evidence Code Section 1010, Penal Code Section**
110 **11165.7 – Changing “Intern” title to “Associate”**

111
112 Ms. Helms explained that as noted in Item #2 above, legislation was recently
113 signed to change the “intern” title to “associate” for LMFT and LPCC registrants
114 beginning on January 1, 2018.

115
116 Although language is being placed in the law stating that a reference to an “intern”
117 shall be deemed a reference to an “associate,” Ms. Helms stated that as the
118 Board proposes amendments to sections of the law, the change from the “intern”
119 title to “associate” title would be incorporated. Staff has begun the process of
120 amending the new title into law in sections that are already being amended.

121
122 Ms. Wong asked the Committee Members and the public for any comments. No
123 comments were offered.

124
125 **d. Amend BPC Sections 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33,**
126 **4999.60, 4999.61, 4999.62, 4999.63, and 4999.120 - Changing the term**
127 **“Examination Eligibility” to “Licensure”**

128
129 Ms. Helms explained that under the Board’s previous examination structure, once
130 applicants finished gaining all experience hours, they applied for “examination
131 eligibility” to be able to take the two exams required for licensure.

132
133 Under the Board’s new examination structure, applicants must take the first exam
134 – the California law and ethics exam – while they are still registered as an intern
135 and gaining hours. After they are done gaining hours as an intern, they submit for

136 eligibility to take the final exam. Because these individuals have already been
137 eligible to take one exam, references to applying for “examination eligibility” are
138 no longer accurate.

139
140 Ms. Wong asked the Committee Members and the public for any comments.

141
142 Dean Porter, Executive Director for California Association of Licensed
143 Professional Clinical Counselors (CALPCC), stated that the letter from PSI when
144 a candidate has passed the Law and Ethics examination states that the candidate
145 will be contacted to take the clinical exam. Ms. Porter noted that this information
146 is not necessarily accurate.

147
148 Kim Madsen acknowledged Ms. Porter’s comments and stated Board staff is
149 currently working with PSI to revise the letter since it is not accurate.

150
151 Ms. Wong asked the Committee Members and the public for any additional
152 comments. No other comments were offered.

153
154 **e. Amend BPC Sections 4984.9, 4989.46, 4992.8, and 4999.118 – Name Change**
155 **Requirements**

156
157 Ms. Helms stated that current law requires a licensee or registrant requesting a
158 name change to submit a written request with a copy of the legal document
159 authorizing the name change (such as a court order or a marriage certificate).

160
161 When the Department of Consumer Affairs transitioned to the Breeze database
162 system, it began requiring applicants to also submit a copy of government-issued
163 photo identification (such as a passport, driver’s license, or alien registration).
164 This was done for security reasons.

165
166 Although the Department is requiring this, it is not specifically mentioned in the
167 Board’s statutes that address name changes. Therefore, the Board is requesting
168 to add language to specify what an individual must submit when a name change
169 is requested.

170
171 Ms. Helms also identified a language change requested by legal counsel.
172 Specifically, legal counsel requested the addition of “evidencing the change”
173 following the word “documents” in the last sentence prior to the list of acceptable
174 documents to support the name change.

175
176 Deborah Brown inquired if there would be any leeway in the time to provide these
177 documents. Ms. Brown explained that often these documents take some time to
178 obtain.

179
180 Board staff responded that we could research the processing times at government
181 agencies responsible for issuing the documents reflecting a name change.

182

183 Janlee Wong, Executive Director for the National Association of Social Workers,
184 stated there should be leeway if other government agencies take longer to
185 process name changes.

186
187 The Committee Members directed staff research how long it takes to obtain the
188 necessary to documents related to a name change to determine if 30 days is
189 sufficient.

190

191 **f. Amend BPC Sections 4980.72, 4996.17, and 4999.60 – Requirements for Out-**
192 **of-State Licensees**

193

194 Ms. Helms stated that BPC section 4996.17 outlines the licensing requirements for
195 LCSW applicants who have education and experience gained outside of California.

196

197 The section outlines licensing requirements for those who hold a license in another
198 state, and also allows licensees and registrants who have previously passed the
199 national clinical exam currently accepted by the Board, to become licensed as an
200 LCSW without having to take that same exam again.

201

202 However, these requirements do not specifically state that to qualify for the clinical
203 exam exemption, the applicant's license must be active and in good standing.

204 Although this is the intent of the law, the Board has reviewed applications from
205 individuals who held a license at one time, or who hold an inactive license.

206

207 Ms. Helms cited one example in which the Board received one application where the
208 applicant had held a license in another state, but it was expired. That individual had
209 passed the acceptable clinical exam, but the exam was taken in the mid-1990's.

210

211 Ms. Helms explained that the Board's LMFT law (BPC §4980.72) and LPCC law
212 (4999.60) both state that a license must be valid to qualify as an out-of-state
213 licensee applicant, but do not state that the license must be active to qualify for the
214 clinical exam exemption. Therefore, language in all three sections has been
215 amended for consistency: a license must be valid and in good standing to qualify as
216 an out-of-state licensee, but it must be active and in good standing to qualify for the
217 clinical exam exemption.

218

219 Ms. Helms noted that amending BPC §4996.17 would do the following:

220

221 • Clarify that to apply as an out-of-state licensee, that license must be active and in
222 good standing; and

223

224 • Clarify that to qualify for waiver of the clinical exam, an applicant with an out-of-
225 state license or registration who has already passed that exam must demonstrate
226 that the out-of-state license or registration is active and in good standing.

227

228 Ms. Helms suggested amending BPC §§ 4980.72 and 4999.60 for consistency.

229

230 Ms. Wong asked the Committee Members and the public for any additional
231 comments. No other comments were offered.

232

233 **g. Amend BPC Section 4999.42 – LPCC Intern Registration**

234

235 Ms. Helms explained that LPCCs are the Board’s newest license type. The initial
236 legislation to license LPCCs needed to set a start date for the Board to begin
237 issuing registrations. This BPC section contains that start date, which was
238 January 1, 2011. Therefore, it is appropriate to delete the start date for the Board
239 to issue LPCC intern registrations, as it is no longer needed.

240

241 Ms. Wong asked the Committee Members and the public for any additional
242 comments. No other comments were offered.

243

244 **h. Amend BPC Section 4999.53 – Passage of the Clinical Exam for LPCC**
245 **Applicants without an Associate Registration**

246

247 Ms. Helms stated that BPC Section 4999.53 specifies that a clinical counselor
248 associate applying for licensure must pass a California law and ethics exam and a
249 clinical exam.

250

251 However, the wording of this section does not address a situation in which the
252 applicant is applying for licensure, but is no longer registered as an associate
253 (These individuals may have completed their hours but longer need a registration
254 if they are not currently practicing, or if they are working in an exempt setting.)

255

256 BPC Section 4999.55 requires both registrants and applicants for licensure to
257 pass the California Law and Ethics Exam. However, the statutes do not
258 specifically state that applicants for licensure are required to take the clinical
259 exam. Regulations do designate the California law and ethics and the clinical
260 exam as the Board’s LPCC licensing exams. However, statute should specify that
261 all applicants must pass the clinical exam.

262

263 Ms. Helms explained that this amendment is needed for LPCC only; it is not
264 necessary for the Board’s other license types.

265

266 Ms. Wong suggested a minor amendment to the proposed language to amend
267 BPC Section 4999.53(c).

268

269 Ms. Wong asked the Committee Members and the public for any additional
270 comments. No other comments were offered.

271

272 ***Samara Ashley moved to direct staff to make the suggested changes and***
273 ***make any technical and non-substantive changes; report back on staff’s***
274 ***findings regarding the name change research at the November Board Meeting;***
275 ***and submit the proposed 2017 Omnibus Bill to the Board for consideration at***
276 ***the November Board Meeting. Deborah Brown seconded the motion. The***
277 ***Committee voted to pass the motion.***

278 **Vote:** Samara Ashley – Yes; Deborah Brown – Yes; Christina Wong - Yes

279

280 **V. Discussion and Recommendation for Possible Action Regarding**
281 **Rulemaking Proposal to Amend California Code of Regulations Section**
282 **1804 – Filing of Addresses, 1805-Applications, 1806-Abandonment of**
283 **Application, 1811-Advertising, 1816.4- Examination Eligibility**
284 **Application Fees, and Delete California Code of Regulations Section**
285 **1805.1 – Permit Processing Times**

286

287 Christy Berger stated that staff has identified a number of changes necessary
288 to Title 16, Division 18, California Code of Regulations (CCR).

289

290 Ms. Berger noted that discussion on 1806 – Abandonment of Application is
291 deferred until the November 2016 Board meeting. Discussion on
292 Examination Eligibility Application Fees is deferred until 2017. Ms. Berger
293 explained the proposed changes to the Committee Members.

294

295 **Address in Care of “c/o” Another Person**

296

297 Ms. Berger stated this proposal would disallow the use of an address in “care
298 of” or “c/o” another person. The problem with allowing a “c/o” is that it requires
299 adding another person’s name to the individual’s license or registration
300 certificate, and also to the licensee’s online record. Not only is this potentially
301 misleading to the public, but could be done without the individual’s
302 permission, and will result in that person’s name being associated with the
303 licensee’s or registrant’s public record.

304

305 Jeffrey Liebert, American Association of Marriage and Family Therapy
306 (AAMFT) inquired what an individual, who is on a military assignment, could
307 do.

308

309 Board staff responded that the individual is permitted to use a post office box.

310

311 **Information Required on Licensure and Registration Applications**

312

313 Ms. Berger stated this proposal would codify the Board’s current practice of
314 asking for an applicant’s telephone number, email address and photograph
315 on applications for licensure or registration, and would make providing this
316 information a requirement. A telephone number and email address are
317 necessary to facilitate expedient communication when processing an
318 application and when providing notification of eligibility to take an
319 examination.

320

321 Ms. Berger explained a photograph is necessary to help establish an
322 applicant's identity, and is helpful for the Board's Enforcement unit in cases
323 where there is suspicion that a licensee or registrant is being impersonated;
324 when an applicant may have had another person take the exam in their place
325 (the exam site also takes a photo); or, in cases where there is possible
326 misrepresentation in an online advertisement.

327
328 Ms. Berger noted that this proposal would additionally require the applicant's
329 signature on licensure and registration applications, and the supervisor's
330 signature on verification of experience forms, to be made under penalty of
331 perjury, in accordance with Penal Code section 118.

332
333 Currently, the only possible penalties for providing false information are denial
334 of the application, or suspension or revocation of the registration or license.
335 Signature under penalty of perjury is required by 10 out of 10 other DCA
336 health boards surveyed by staff. It provides the potential penalty of a felony
337 conviction with imprisonment for up to four years, and could include court
338 fines. Staff feels that this is an important deterrent to applicants and
339 supervisors providing false information.

340
341 **Permit Processing Times**

342
343 Ms. Berger stated this proposal would delete the regulations that set forth
344 minimum and maximum application processing time frames, and which also
345 purport to state the "actual" processing times based on the prior two years.
346 This regulation is unnecessary and misleading. The Board works very hard to
347 keep application processing times low, but has at times struggled with factors
348 outside of its control that lead to exceeding the processing times set in
349 regulation.

350
351 In addition, staff does not believe that providing the "actual" processing time
352 over the past two years is particularly helpful to applicants. Due to workload
353 constraints, the "actual" processing times currently listed are typically
354 outdated. Staff believes the information on our website under the "Applicants"
355 tab provides information that is much more relevant.

356
357 Jill Epstein, Executive Director for the California Association of Marriage and
358 Family Therapists (CAMFT) stated that if the permit processing times were
359 deleted, there would be no recourse to go the Governor in the event of
360 another backlog. Absent permit processing times, licensees and associations
361 could not advocate for additional resources for the Board.

362

363 Ms. Madsen replied that the processing times currently in regulations were
364 never accurate. Nor does the Board know how these time lines were
365 determined. Ms. Madsen stated it is possible to consider an alternative option
366 to deleting the section.

367

368 Ms. Brown supported Ms. Epstein's comments regarding the data.

369

370 Ms. Brown also inquired about a conversation with other agencies regarding
371 how they report processing times. For example, once an application is
372 submitted, some agencies provide a response to the applicant regarding how
373 long it takes to process the application.

374

375 Janlee Wong, Executive Director for the National Association of Social
376 Workers (NASW), inquired what the Board does with a status request. Mr.
377 Wong commented it would be nice to have a barcode on the application to
378 scan-similar to the United Parcel Service.

379

380 Jerry Shapiro, public attendee, commented that the courts have set up
381 separate pages to allow tracking.

382

383 Ms. Ashley agreed that the permit processing times were antiquated.

384

385 Ms. Madsen suggested mirroring the processing times on the Board's
386 website. Currently, the website advises applicants to wait 30 days for all
387 applications for registration and initial licensure. All other applications take up
388 to 60 days.

389

390 Angelique Scott, legal counsel, stated that using the processing times on the
391 Board's website would be fine so long as we include this justification in the
392 Initial Statement of Reasons (ISOR).

393

394 **Advertising**

395

396 Ms. Berger noted that this proposal would add the use of "Registered
397 Associate Marriage and Family Therapist" or "Registered Associate
398 Professional Clinical Counselor" to the list of acceptable titles when
399 advertising. The proposal sunsets the use of the term "intern" on December
400 31, 2018, which will provide time for registrants to use their existing stock of
401 business cards, etc. that use the term "intern".

402

403 Ms. Wong asked the Committee Members and the public for comments. No
404 comments were offered.

405 **Samara Ashley moved to approve the amendments for CCR 1811 and**
406 **directed staff to bring revisions to CCR 1804, 1805, and 1085.1 to the full**
407 **Board for consideration at the November Board meeting. Christina**
408 **Wong seconded the motion. The Committee passed the motion.**
409

410 Vote:

411 Samara Ashley – Yes; Deborah Brown – Yes; Christina Wong - Yes
412

413 *The Committee took a break at 10:15 am.*
414

415 *The Committee resumed the meeting at 10:37 am.*
416

417 **VI. Discussion and Recommendation for Possible Action Regarding**
418 **Proposed Supervision Language Amendments for Licensed Marriage**
419 **and Family Therapists.**
420

421 Ms. Helms stated that the Board’s Supervision Committee met 11 times
422 beginning in April 2014, and ending in August 2016. The Committee’s work
423 initially resulted in the 2015 legislation which streamlined the experience
424 categories required for licensure. The proposal before the Committee today
425 represents the remainder of the Committee’s work, and pertains mainly to
426 qualifications of supervisors, supervisor responsibilities, types of supervision
427 provided, and employment.
428

429 Ms. Helms noted that some of the changes being proposed are significant,
430 and are based on the results of a survey of supervisors and supervisees, a
431 large amount of stakeholder feedback, and supervision standards in other
432 states. When considering proposed changes, the Committee attempted to
433 balance any potential barriers to providing supervision with the needs
434 expressed by stakeholders, as well as the need for public protection.
435

436 Ms. Helms referred the Committee Members to the documents that contained
437 the proposed language as she explained the proposed changes. Ms. Helms
438 explained that most of the amendments are the same across all three license
439 types (LCSW, LMFT and LPCC). However, some are specific to the LMFT
440 program, which will be discussed first.
441

442 Ms. Helms stated that both she and Christy Berger will jointly present the
443 proposed language for all license types. Ms. Helms then presented the
444 proposed changes to the LMFT law to the Committee Members and
445 stakeholders.
446

447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488

Revised Titles and Definitions of “Intern” and “Applicant”

Ms. Helms stated the titles and definitions of “Intern” and “Applicant” have been amended. First, the “intern” title has been changed to “associate” to comply with the title change that becomes effective on January 1, 2018. The definition of “Associate” (formerly “Intern”) now includes either someone who is registered with the Board, or someone who applies for registration as an associate within 90 days of the degree award date.

The definition of “Applicant” was renamed “Applicant for licensure.” The definition was amended to mean an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

Split BPC Section 4980.43

Ms. Helms stated that BPC Section 4980.43 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

Supervisors Licensed for at Least Two Years

Current law requires a supervisor to have been licensed in California for at least two years. The amendments allow a licensee to supervise only if he or she has been actively licensed in California or holds an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision.

Ms. Brown asked if questions should be after each item or should the Committee Members and stakeholders wait until the end of Ms. Helm’s presentation.

Ms. Wong suggested a pause in the presentation to allow for questions.

Ms. Brown inquired what would occur if a supervisor, who has met the two-year requirement and is currently supervising, did not renew on time or did not renew for six months. Would that supervisor be required to meet the two-year requirement again?

Ms. Berger indicated that the supervisor would not be required to the two-year requirement again. The law does not specify that the two years must be consecutive years. Ms. Berger explained that the law requires a supervisor to be licensed for two of the last five years.

489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529

Ms. Madsen explained that the lapse in the supervisor’s licensure is addressed in the supervisor’s self-assessment which will be discussed later.

Ms. Helms added that so long as a licensee has been actively licensed for two of the past five years, the licensee would qualify to be a supervisor. This proposal is the simply the entry for a licensee to be a supervisor.

Ms. Brown expressed concerns that a licensee, who failed to renew or had a lapse in licensure, could be doing a job the licensee should not be performing. Ms. Brown inquired if a complaint were received about the licensee (supervisor), could the self-assessment could be used? Ms. Madsen replied yes.

Experience Required of Supervisors

Ms. Helms explained that in order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years.

Ms. Helms noted the wording of this law is inconsistent across the Board’s license types, and in some cases it is unclear if supervision of LPCC trainees or master’s level social work students counts as qualifying supervisory experience. An amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and makes the language consistent for each of the Board’s license types.

Jerry Shapiro sought clarification regarding the 15 hours course.

Ms. Madsen responded that this requirement will be discussed later.

Mr. Shapiro expressed concerns regarding licensees supervising social work students without taking the required coursework.

Ms. Berger stated the Board does not regulate social work students. There are some regulations for professional clinical counselor students.

Mr. Shapiro continued to express his concern that a licensee, who has been supervising students, could use this experience to qualify as a Board Supervisor, but has not taken the required course.

530 Ms. Madsen stated that to qualify as a Board Supervisor, the licensee would
531 have to take the course. The course, in addition to the two-year licensure
532 requirement, was another “benchmark” for a licensee to meet to become a
533 Board Supervisor. Ms. Madsen explained that the proposal to allow
534 supervisors to count supervision of students to count towards the
535 psychotherapy requirements was in response to stakeholder’s concerns.

536

537 Ms. Wong inquired that if a licensee wants to count the supervision of
538 students towards the requirements to become a Board Supervisor, the
539 licensee would be subject to the continuing education requirements.

540

541 Ms. Madsen replied yes.

542

543 Ms. Wong continued inquiring if the licensee did not want to be a Board
544 Supervisor, but only wanted to supervise students in the school setting the
545 license, would they be subject to the 15 hours course or the continuing
546 education requirements.

547

548 Ms. Madsen replied yes. The requirements proposed were only for those
549 licensees who wish to become a Board Supervisor.

550

551 Ms. Helms added that if a licensee was supervising interns/associates who
552 are gaining supervised work experience hours, the licensee must take the
553 course.

554

555 Ms. Wong suggested that staff clarify this point in the language. Schools do
556 not require the supervisors of students to take the 15 hour supervision
557 course. Yet, if the licensee wants to use the supervision of students to qualify
558 as a Board Supervisor, they must take the course before supervising the
559 students.

560

561 Ms. Madsen replied that the Board does not have jurisdiction or authority over
562 schools.

563

564 Ms. Wong continued and stated that a licensee who wanted to use the
565 supervision of students to meet the 2 years psychotherapy requirement could
566 be confused – the language was not clear.

567

568 Ms. Madsen and Ms. Helms both stated the law was very clear-noting that
569 within the law this requirement was part of a check list.

570

571 Janlee Wong commented that there may some problems for the school. All
572 social work students would want their hours counted. It will depend on the
573 field supervisor to meet the requirements so that the student's hours will
574 count. It would be very important for the schools to make this point clear
575 since the field supervisor is not an employee of the school.
576

577 Ms. Madsen replied that the hours for social work students do not count now.
578 Rather, the Board is saying that if that licensee would like to do supervision
579 outside of the academic setting, the licensee may use the supervision of
580 students to satisfy the providing psychotherapy requirement.

581
582 Ms. Berger added that this is about being current in your experience.
583

584 Mr. Wong stated that if the field supervisor is allowed to count supervision of
585 students towards the psychotherapy requirement, students will likely question
586 why can't they count those hours towards licensure.
587

588 Ms. Madsen noted that these hours would be pre-degree for social work
589 students and they are not counted now. Ms. Madsen stated the Board could
590 continue its efforts to educate the students and licensees.
591

592 Dean Porter commented that this was just a "nod" to faculty to allow them to
593 use their psychotherapy knowledge towards the requirements. Supervision of
594 post-degree students would require a licensee to meet all the supervisor
595 requirements.
596

597 Mr. Wong stated that a major education campaign would be needed.
598

599 Ms. Madsen responded that this proposal is a major change. Noting that this
600 proposal has a delayed implementation, Ms. Madsen stated the Board would
601 embark on a heavy outreach effort prior to implementation.
602

603 **Definition of Supervision**

604

605 Ms. Helms explained the definition of "supervision" has been revised to
606 include responsibility for, and control of, the quality of services being
607 provided. Ms. Helms noted the following significant additions to the definition:
608

609 A statement that consultation or peer discussion is not supervision and does
610 not qualify as supervised experience. This is consistent with what is already
611 in LCSW and LPCC law.

612 A statement about providing regular feedback to the supervisee.

613 An amendment to require the supervisor to monitor for and address any
614 countertransference, intrapsychic, and interpersonal issues that may affect
615 the supervisory or the practitioner-patient relationship;

616 An amendment stating that the supervisor should review progress notes,
617 process notes, and other treatment records as he or she deems appropriate,
618 and also an amendment stating the supervisor should engage in direct
619 observation or review of audio or video recordings, with client written consent,
620 as the supervisor deems appropriate.

621

622 Jeff Liebert AAMFT expressed concerns regarding the amendment to require
623 the supervisor to monitor for and address any countertransference,
624 intrapsychic, and interpersonal issues that may affect the supervisory or the
625 practitioner –patient relationship. Specifically, the language was not
626 systemic; it’s model specific-psychodynamic. One could almost argue that
627 the supervisor must supervise from that perspective. Mr. Liebert suggested
628 revising the language.

629

630 Ms. Berger responded that the Supervision Committee discussed the
631 language extensively and the terms were carefully selected. The
632 “countertransference” language used was familiar to everyone.

633

634 Ms. Madsen briefly discussed the rationale for this amendment. Specifically,
635 the Board sees a large number of complaints related to dual relationships.
636 The hope is that by including this requirement in supervision, supervisors are
637 cognizant of these situations as they arise; potentially decreasing the number
638 of these types of complaints.

639

640 Ms. Wong agreed with Mr. Liebert’s concerns. Ms. Wong did point out that in
641 some situations a dual relationship is not a violation. Ms. Wong suggested
642 revising the language.

643

644 Jill Epstein, CAMFT, agreed with both Ms. Wong’s and Mr. Liebert’s concerns
645 and suggested revising the language. Discussion ensued regarding various
646 options to revise the language.

647

648 Angelique Scott, legal counsel, pointed out that the use of the term “issues” is
649 broad. Ms. Scott inquired about the term “intrapsychic” and if this term was
650 considered interpersonal. Ms. Wong stated that intrapsychic was related to
651 what was going on with the patient inside.

652

653 Ms. Scott suggested that the term “issues” be defined and then list the issues
654 such as countertransference and intrapersonal.

655

656 Mr. Shapiro suggested using the term “dynamics” instead of issues. Mr.
657 Shapiro stated the terms “trauma related dynamics” and “self-care dynamics”
658 are contemporary terms. However, the use of the term “dynamics” would
659 apply to all professions.

660

661 Ms. Scott inquired if trauma related dynamics included intrapsychics,
662 countertransference or interpersonal issues. Mr. Shapiro stated that it does
663 include those terms.

664

665 Ms. Porter noted the intent was to more general in definition and not just
666 specific to one topic such as trauma.

667

668 Ms. Scott stated that the term “dynamics” was still too broad.

669

670 Mr. Liebert suggested adding the term “clinical” before “dynamics”.

671

672 Ms. Madsen restated the language using the term “clinical dynamics”.

673

674 Mr. Wong suggested the phrase “such as” just prior to the words
675 “countertransference, intrapsychic or interpersonal “. Mr. Wong explained the
676 phrase “including, but not limited to” means everyone must do this. Mr. Wong
677 stated that the phrase “including, but not limited to” is telling a supervisor how
678 to supervise.

679

680 Ms. Scott stated that term “clinical dynamics” would suffice. The phrase
681 “such as” will work and the phrase “including, but not limited to” is not needed.

682

683 The Committee Members and stakeholders discussed the revised language.

684

685 Ms. Brown inquired as to what was more important. Is the monitoring more
686 important and not the type (trauma)? If so, we should put the emphasis on
687 the monitoring.

688

689 Ms. Madsen noted that the monitoring was more important. Yet, if a
690 supervisor is instructed to monitor, the question, what do I monitor, will follow.

691

692 Ms. Wong commented it was more important to monitor the clinical dynamics
693 and that the list - countertransference, intrapsychic, or interpersonal were
694 intended as suggestions.

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

Mr. Shapiro stated that “monitoring” is used in two ways. The supervisee has to monitor him or herself and the supervisor monitors the supervisee monitoring him or herself. How do we state craft language that assists in the professional development of the supervisee and protects patients?

Ms. Madsen restated the revised language – *monitoring for and addressing clinical dynamics, such as countertransference, intrapsychic, interpersonal, or trauma related issues that may affect the supervisory or the practitioner-patient relationship.*

The Committee Members, Board staff, Legal Counsel, and stakeholders discussed the revised language and the use of the term “including” versus the term “such as”.

Ms. Helms restated the revised language – *monitoring for and addressing any clinical dynamics not limited to countertransference, intrapsychic, interpersonal, or trauma related issues that may affect the supervisory or the practitioner-patient relationship.*

The Committee Members Board staff, Legal Counsel, and stakeholders discussed using the phrase “including, but not limited to” in lieu of the term “not limited to”.

Ms. Madsen then restated the language three times using the three different phrases “*such as, not limited to, or including, but not limited to*”.

Ms. Brown stated that the term “including” might draw her attention to only the terms listed and not necessarily focus on the monitoring. Ms. Brown thought the term “such as” gave her options to consider. Ms. Brown suggested using the term “but not limited to” following the term “such as”. Ms. Brown believed this language would adhere to the Supervision Committee’s priority to monitor and address.

Mr. Wong agreed with Ms. Brown’s comments. Mr. Wong noted that the list following the term “including, but not limited to” gives the impression that the licensee must know about psychomodel. However, many practitioners do not use this model.

Ms. Wong expressed a preference for the term “such as”. Ms. Wong noted the term “clinical dynamic” really defines the process.

737 Ms. Madsen clarified Ms. Brown’s suggestion to use the phrase “such as, but
738 not limited to”.

739
740 Ms. Madsen asked Ms. Scott if the use of the phrase “such as, but not limited
741 to” meets the legal requirements and if either phrase was stronger or weaker.
742

743 Ms. Scott replied that from her perspective either phrase was sufficient. Yet if
744 one phrase was clearer to the profession, then that phrase has value. Ms.
745 Scott noted that use of the word “any” before clinical dynamics was not
746 necessary.
747

748 Ms. Helms restated the revised language *monitoring for and addressing*
749 *clinical dynamics such as, but not limited to, countertransference,*
750 *intrapsychic, interpersonal, or trauma related issues that may affect the*
751 *supervisory or the practitioner-patient relationship.*
752

753 The Committee Members and stakeholders agreed with the revised language.
754

755 **Prohibition on Independent Contracting - Gaining Experience vs** 756 **Performing Services**

757
758 Ms. Helms stated current LMFT statute states that MFT trainees and
759 associates may only gain experience as an employee or a volunteer, and that
760 experience shall not be gained as an independent contractor.
761

762 However, LMFT regulations differ slightly, stating that associates and trainees
763 may only perform services as employees or volunteers, and not as
764 independent contractors.
765

766 Ms. Helms explained that the Supervision Committee discussed clarifying the
767 language to state that no trainees, associates, or applicants for licensure are
768 allowed to perform services or gain experience within the defined scope of
769 practice of the profession, as an independent contractor.
770

771 Ms. Wong asked the Committee Members and the public for any additional
772 comments. No other comments were offered.
773

774 **Prohibition on Independent Contracting - Submission of 1099** 775 **Documentation**

776
777 Ms. Helms explained applicants for licensure occasionally submit a “1099” tax
778 form, which typically indicates the individual was an independent contractor.

779 However, the applicant may truly have been a volunteer, but received
780 reimbursement of expenses (such as travel) which resulted in the employer
781 issuing a 1099.

782

783 Ms. Helms stated that current law allows those who receive a maximum of
784 \$500 per month as reimbursement of expenses, to be considered as an
785 employee and not an independent contractor. Applicants must demonstrate
786 that the payments were for reimbursement of expenses actually incurred.

787

788 Ms. Helms noted that the \$500 amount had been in law for a long period of
789 time. The Supervision Committee decided that the specific dollar amount
790 should be removed from the law.

791

792 In addition, Board staff is increasingly aware of individuals who are awarded a
793 stipend or educational loan repayment as an incentive for working in an
794 underserved region, or from a program designed to encourage
795 demographically underrepresented groups to enter the profession. An
796 exception for stipends and loan repayments is also proposed to be added to
797 all three license types.

798

799 Ms. Madsen commented that for stipend awards the 1099 is a method used
800 to document the stipend award. Ms. Brown inquired about the use of the IRS
801 definition in the proposed language.

802

803 Ms. Madsen replied no. Ms. Madsen explained that the Board has not
804 received a 1099 for less than \$1000 and more often, receives 1099s in a
805 higher amount. While the amounts vary Board staff is able to determine if the
806 amount reflects a stipend award, often the Board receives 1099s from
807 applicants that reflect an amount that strongly suggests that the individual is
808 not an employee or volunteer.

809

810 Ms. Madsen cautioned against setting a specific dollar amount. If a dollar
811 amount is not specified the Board would have greater flexibility to inquire as
812 to the source of the funds. The individual would be required to demonstrate
813 that those funds were related to a stipend and not a source of income earned
814 as an independent contractor.

815

816 Ms. Porter inquired if the individual is required to submit documentation to
817 verify that the individual is either an employee or volunteer.

818

819 Ms. Madsen explained what documents the Board will accept to demonstrate
820 an individual is either an employee or volunteer. Ms. Madsen added that in
821 lieu of the W-2 document, applicants will submit a 1099. Applicants simply
822 submit the 1099 tax document they receive not realizing the difference
823 between the two documents. Submission of the 1099 document triggers

824 Board staff to determine if the applicant was truly a volunteer or an
825 independent contractor. If the determination is that the applicant is an
826 independent contractor, the Board is unable to accept the supervised hours.
827

828 Ms. Wong asked the Committee members and stakeholder for any additional
829 comments. No other comments were offered.
830

831 **Handling Crises and Emergencies**

832
833 Ms. Helms stated that the American Counseling Association's Ethical Code
834 requires supervisors to establish and communicate to supervisees
835 procedures for contacting either the supervisor, or an alternate on-call
836 supervisor, in a crisis. The Supervision Committee decided to adopt this
837 requirement for all supervisors.
838

839 Ms. Wong asked the Committee members and stakeholder for any
840 comments. No other comments were offered.
841

842 **Direct Supervisor Contact**

843
844 Ms. Helms explained that currently, trainees and associates must receive one
845 hour of direct supervisor contact per week per work setting. Supervisees must
846 obtain additional supervision once they perform a specified amount of client
847 contact in each setting.
848

849 The amendment changes "client contact" to "direct clinical counseling" as the
850 basis for which the amount of supervision is determined. References to
851 "direct counseling" in Business and Professions Code Sections 4980.03(f)
852 and 4980.43(a)(8) have been amended to instead reference "direct clinical
853 counseling" for consistency.
854

855 Ms. Wong asked the Committee members and stakeholder for any
856 comments. No other comments were offered.
857

858 **Amount of Direct Supervisor Contact Required for Applicants Finished** 859 **Gaining Experience Hours**

860
861 Ms. Helms stated that currently, the statute does not specifically define how
862 much direct supervisor contact an associate MFT or PCC needs once he or
863 she is finished gaining experience hours needed to count toward licensure.
864 (An associate gaining experience hours must obtain at least one hour of
865 direct supervisor contact in each week, plus one additional hour in that week
866 if more than 10 hours of direct client contact is gained, in order for the hours

867 to count.) This issue came to the Board’s attention from the California
868 Association of Marriage and Family Therapists (CAMFT).

869

870 At a previous meeting, the Committee recommended that the amount of
871 supervision should be specified even if experience hours are no longer being
872 counted. This amendment requires associates and applicants who have
873 finished gaining experience hours to obtain at least one hour of supervision
874 per week for each setting in which direct clinical counseling is performed.
875 Supervision for nonclinical practice would be at the supervisor’s discretion.

876

877 Ms. Wong asked if the Board requires these individuals to document the
878 hours. Ms. Madsen replied no.

879

880 Ms. Helms stated that it may be beneficial to those individuals to continue
881 documenting their hours after they submitted their experience hours, in the
882 event they may need additional hours. If the applicant continued to
883 document their hours, it is less of a burden for the applicant to submit
884 additional hours.

885

886 Ms. Wong clarified that the applicants would not be required to document the
887 hours. Ms. Madsen responded that was correct, but would be encouraged as
888 a best practice.

889

890 Ms. Epstein clarified the amount of supervision – one hour of individual or two
891 hours of group. Ms. Helms replied yes.

892

893 Ms. Scott asked for clarification regarding Business and Professions Code
894 Section 4980.43(a)(1). Ms. Madsen responded that the subsection Ms. Scott
895 was referring to was related to individuals still gaining their supervised hours.
896 The proposal before the Committee does not apply to this subsection.

897

898 Ms. Wong asked the Committee members and stakeholders for any further
899 comments. No other comments were offered.

900

901 **Definition of “One Hour of Direct Supervisor Contact”; Triadic**
902 **Supervision**

903

904 Ms. Helms explained that these revisions provide a specific definition of “one
905 hour of direct supervisor contact.” Triadic supervision (one supervisor
906 meeting with two supervisees) is now included in this definition.

907

908 Ms. Wong asked the Committee members and stakeholders for comments.
909 No other comments were offered.

910

911 **Amount of Individual Supervision**

912

913 Ms. Helms explained that current regulations require 52 of the 104 supervised
914 weeks to have included one hour per week of individual supervision.

915

916 Staff believes this requirement is significant and it is more appropriately
917 stated in statute rather than regulations. The requirement has also been
918 amended to allow this 52 weeks of supervision to either be individual or
919 triadic.

920

921 Ms. Wong asked the Committee members and stakeholders for comments.
922 No other comments were offered.

923

924 **Supervision in a Group**

925

926 Ms. Helms stated current statute allows group supervision to consist of up to
927 8 supervisees. An amendment states that the supervisor must ensure that
928 the amount of supervision is appropriate to each supervisee's needs.

929

930 Ms. Ashley inquired if the group supervision was in addition to the individual
931 supervision. Board staff replied that individual and group were separate. A
932 registrant could have one or the other.

933

934 Ms. Wong commented that the words "supervisee's needs" seemed to be
935 vague.

936

937 Ms. Madsen noted that this phrase was in direct response to the registrant
938 survey. The survey revealed that many registrants felt that the supervisor was
939 not addressing their needs in supervision. The intent is to remind supervisors
940 that one supervisee should not monopolize the group session. Each
941 supervisee should be provided the opportunity to receive the benefits of the
942 group session.

943

944 Ms. Ashley suggested it may be worthwhile to revise the phrase to provide
945 clarity.

946

947 Mr. Wong suggested a revision that stated the degree of supervision is
948 appropriate for each supervisee.

949

950 Ms. Helms restated the revised language. *When conducting group*
951 *supervision, the supervisor shall ensure that the amount and degree of*
952 *supervision is appropriate for each supervisee.*

953

954 Ms. Wong asked the Committee members and stakeholders for comments.
955 No other comments were offered.

956

957 **Supervision via Videoconferencing and HIPAA Compliance**

958

959 Ms. Helms stated BPC Section 4980.43.3 contains language allowing an
960 associate working in an exempt setting to obtain supervision via
961 videoconferencing. The Supervision Committee asked to add a statement
962 requiring the videoconferencing be HIPAA compliant.

963

964 Ms. Helms explained that in the past, the Board has expressed a preference
965 to refrain from mentioning HIPAA directly in statute, as its name could
966 possibly change over time. Therefore, staff has added a statement that *“The*
967 *supervisor shall be responsible for ensuring compliance with state and federal*
968 *laws relating to confidentiality of patient health information.”*

969

970 Ms. Wong asked the Committee members and stakeholders for comments.
971 No other comments were offered.

972

973 **Marriage and Family Therapy Corporations**

974

975 Ms. Helms stated that current statute limits the number of registrants a
976 marriage and family corporation may employ. However, the use of the word
977 “employ” is intended to include both employees and volunteers. Since
978 volunteers are not actually “employed,” the language has been revised to
979 more accurately account for this.

980

981 Ms. Helms pointed out that the language regarding limits on number of
982 registrants working for marriage and family corporations has been separated
983 into subsections for clarity purposes.

984

985 Ms. Porter requested staff provide the section titles for LPCCs when
986 discussing common changes to the law.

987

988 Ms. Porter inquired if the Board is only including private practices and
989 corporations in this section. Ms. Berger replied that there are no limits in
990 other types of practice settings- that this has been effect for quite some time.

991

992 Ms. Helms explained that the Board's Exempt Setting Committee would be
993 reviewing these settings

994

995 Ms. Wong asked the Committee members and stakeholders for comments.
996 No other comments were offered.

997

998 The Committee adjourned for lunch at 12:05 pm.

999

1000 The meeting resumed at 1:06 pm.

1001

1002 **Supervision in a Non-Private Practice Setting – Written Agreement**

1003

1004 Ms. Helms explained that currently, a supervisor only needs to sign a written
1005 agreement with the supervisee's employer if the supervisor is a volunteer
1006 (volunteer supervisors are not allowed in private practice settings). The
1007 purpose of the agreement is to document that the employer agrees to provide
1008 the supervisor with access to records and will not interfere with the
1009 supervisor's legal and ethical responsibilities.

1010

1011 Ms. Helms stated an amendment was made to require a written agreement
1012 when the setting is a non-private practice and the supervisor is not employed
1013 by the applicant's employer or is a volunteer.

1014

1015 Additionally, Ms. Helms noted the proposed amendments would require the
1016 written agreement to contain an acknowledgement by the employer that the
1017 employer is aware the supervisor will need to provide clinical direction to the
1018 supervisee in order to ensure compliance with the standards of practice of the
1019 profession. Ms. Helms stated similar changes were made to the other
1020 professions.

1021

1022 Mr. Wong inquired if the Board would provide a sample template of the
1023 agreement. Ms. Madsen replied yes.

1024

1025 Mr. Shapiro inquired if it was appropriate to express his concerns regarding
1026 this proposal for LCSWs. Board staff replied yes.

1027

1028 Mr. Shapiro explained he supervises students in child protective services,
1029 small agencies, and other settings. These settings may be cautious about
1030 agreeing and how they are going to interpret the commitment they are
1031 making. Specifically, Mr. Shapiro cited potential conflicts with court orders
1032 and safely organized practice. The setting is not the same controlled

1033 therapeutic environment as it is in your office. Mr. Shapiro expressed
1034 concerns that settings may be limited to social worker students/associates.
1035
1036 Ms. Madsen inquired how the students were receiving supervision now. Does
1037 Mr. Shapiro have access to the records now? Mr. Shapiro explained how he
1038 supervises in the various settings.
1039
1040 Ms. Berger clarified Ms. Shapiro's concern to determine what specific
1041 language he is concerned about. Mr. Shapiro replied that it was the third
1042 requirement of the written agreement - *...the supervisor will need to provide*
1043 *clinical direction to the supervisee in order to ensure compliance with the*
1044 *standards of practice of the profession.*
1045
1046 The Committee and stakeholders engaged in a robust discussion regarding
1047 the proposal.
1048
1049 Mr. Wong wondered if another word for "direction" could be used.
1050
1051 Ms. Helms stated that perhaps another word in lieu of "direction" would soften
1052 the language but maintain the intent.
1053
1054 Ms. Wong expressed a preference for the phrase "clinical perspective" or
1055 "clinical considerations".
1056
1057 Ms. Madsen restated the language using the phrase "clinical considerations".
1058 Ms. Scott clarified the meaning of "consideration". What is the Board trying to
1059 tell the supervisor to do? Ms. Scott stated that the use of the word
1060 "perspective" is appropriate and is not vague.
1061
1062 Ms. Helms restated the language using the word "perspective" to read as
1063 follows:
1064
1065 *..Is aware that the supervisor will need to provide clinical perspective to the*
1066 *supervisee in order to ensure compliance with the standards of practice of the*
1067 *profession.*
1068
1069 Ms. Brown expressed a preference for the word perspective.
1070
1071 Ms. Scott stated that the word "perspective" is used, but suggested additional
1072 language is needed to ensure the employer would not interfere with the
1073 clinical perspective.
1074

1075 Ms. Helms restated the language.... *Is aware that the supervisor will need to*
1076 *provide clinical perspectives to the supervisee in order to ensure compliance*
1077 *with the standards of practice of the profession and agrees not interfere with*
1078 *this process.*

1079
1080 Ms. Porter inquired if this language would apply to the LPCCs.

1081
1082 Ms. Berger noted that the language is in the regulation section-CCR 1820.
1083 Board staff agreed to make the changes for all three license types.

1084
1085 Ms. Wong asked the Committee and stakeholders for any further comments.
1086 No additional comments were offered.

1087

1088 **Unprofessional Conduct**

1089

1090 Ms. Helms explained that the following sections currently state that the
1091 following two items are unprofessional conduct:

1092

1093 *4982(r) Any conduct in the supervision of any registered intern, associate*
1094 *clinical social worker, or trainee by any licensee that violates this chapter or*
1095 *any rules or regulations adopted by the board.*

1096

1097 *4982 (u) The violation of any statute or regulation governing the gaining and*
1098 *supervision of experience required by this chapter.*

1099

1100 Ms. Helms stated Board staff believes these two sections are duplicative, and
1101 that subsection 4982(r) is unnecessary. Subsection 4982(u) already gives
1102 the Board the authority to take disciplinary action on, or to issue a citation and
1103 fine to, a licensee or registrant who violates any of the supervision provisions
1104 in statute and regulation. Therefore, this proposal deletes subsection 4982(r).

1105

1106 In addition, unprofessional conduct language related to discipline is
1107 inconsistent between LMFT, LCSW, and LPCC statute. For consistency, the
1108 language in 4982(u) will be amended into the LCSW and LPCC
1109 unprofessional conduct provisions as well.

1110

1111 Ms. Wong asked the Committee and stakeholders for any further comments.
1112 No additional comments were offered.

1113

1114

1115

1116

1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157

Delete Duplicative and Obsolete Language in Regulations

Ms. Helms stated that this proposal applies to all three license types. Many of the provisions in regulation section 1833 are either already in statute, or they became obsolete with the passage of SB 620 (Chapter 262, Statutes of 2015), which streamlined many of the supervised experience category requirements for licensure. These unnecessary subsections were deleted. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1833 discuss specific forms that supervisors or supervisees are required to complete.

Ms. Helms explained that a year gap would occur because you are not able to change both the statutes and regulations at the same time. Therefore, the Board will implement these changes in two phases.

Ms. Wong asked the Committee and stakeholders for any comments. No comments were offered.

Substitute Supervisors

Ms. Helms explained that sometimes it is necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in. In all cases, the supervisor must meet all the current supervisor requirements.

Ms. Wong asked the Committee and stakeholders for any comments. No comments were offered.

Required Training and Coursework for Supervisors

Ms. Helms noted that the proposal is applicable to all license types.

Ms. Helms explained that this section requires supervisors commencing supervision for the first time in California, beginning January 1, 2019, to complete a 15 hour supervision course covering specified topic areas. This proposal is consistent with a similar requirement already in place for LCSW supervisors. The proposal provides age limits for the course are specified, and the course can be counted as continuing education if taken from an

1158 accepted provider. Any supervisor who has not supervised in 2 of the last 5
1159 years, must re-take a 6 hour course. This is the one time requirement.

1160

1161 This new section also specifies that supervisors must complete 6 hours of
1162 continuing professional development in each subsequent renewal period
1163 while supervising. The continuing education may consist of a supervision
1164 course, or other professional development activities such as teaching,
1165 research, or supervision mentoring. All of these activities must be
1166 documented.

1167

1168 Ms. Helms stated that due to concerns from DCA Legal since the final
1169 Supervision Committee meeting, the option to count research published
1170 professionally toward the continuing professional development requirement
1171 was clarified. The language now states the following: *“This may include, but
1172 is not limited to, quantitative or qualitative research, literature reviews, peer
1173 reviewed journals or books, monographs, newsletters, or other published
1174 work deemed equivalent by the board. It shall not include personal opinion
1175 papers, editorials, or blogs.”*

1176

1177 Board staff also worked with legal counsel to clarify the option of receiving
1178 mentoring from another supervisor, or “supervision of supervision” as
1179 continuing professional development. That language now reads as follows:
1180 *“Collaboration with another board licensee who also qualifies as a supervisor
1181 through use of mentoring or consultation.”*

1182

1183 Ms. Helms stated that an exception to the initial and ongoing training
1184 requirements is proposed for a supervisor who holds a supervision
1185 certification from one of four specified entities. The Board also has discretion
1186 to accept certification from another entity if it believes its requirements are
1187 equivalent or greater. Such a certification exempts the supervisor from the 15
1188 hour coursework and 6 hour professional development requirements, and it
1189 allows them to waive the requirement that they must have been licensed and
1190 either supervising or practicing psychotherapy for two of the past five years
1191 prior to commencing any supervision.

1192

1193 Ms. Helms stated the proposed language is specifically worded so that it only
1194 applies to supervisors who are also Board licensees. Supervisors who are
1195 licensed psychologists or psychiatrists would not need to complete the
1196 supervision training and coursework, which is consistent with current law.

1197

1198 Mr. Liebert complimented and thanked the Board on their work on this topic.
1199 Mr. Liebert expressed concerns regarding the inclusion of newsletters as a
1200 qualifying activity.
1201
1202 Ms. Wong agreed with Mr. Liebert and asked why newsletters were included.
1203 Ms. Wong noted that her messages in the BBS Newsletter would count.
1204
1205 Ms. Berger explained that the some of the Supervision Committee members
1206 will write in depth articles for newsletters.
1207
1208 Mr. Liebert agreed but noted that not all newsletters were valid.
1209
1210 Ms. Madsen suggested using terms such as professional association
1211 newsletters or industry newsletters.
1212
1213 Ms. Ashley inquired if the newsletters were for academic purposes or
1214 associations. Ms. Madsen replied that some of the major professional
1215 associations, such as NASW, AASCB, publish newsletters.
1216
1217 Ms. Madsen restated the language using the terms “academic” or “industry”
1218 prior to the word “newsletters”.
1219
1220 Ms. Berger pointed out that the language does state “other published works”,
1221 so perhaps newsletters would qualify.
1222
1223 Ms. Scott suggested striking the word “newsletters” and adding in the words
1224 “academic or industry” after the work “other” and prior to the words “published
1225 works”.
1226
1227 Ms. Madsen restated the language deleting the word “newsletters” and using
1228 the terms “academic” or “industry” prior to the words “published work”.
1229
1230 Ms. Wong asked the Committee and stakeholders for any comments. No
1231 comments were offered.
1232
1233 Ms. Wong then clarified that for supervisors, 12 hours of the 36 hours
1234 continuing education will be required; six hours of law and ethics and six
1235 hours of professional development related to supervision. Board staff replied
1236 yes, but noted that some of the activities will not count towards continuing
1237 education.
1238

1239 Mr. Wong noted it was important to inform the licensees of the upcoming
1240 changes.
1241
1242 Mr. Shapiro stated that a refresher course is important because supervision is
1243 changing.
1244
1245 Ms. Wong pointed out that the language requiring supervision courses
1246 specified that a government agency was an acceptable entity to obtain the
1247 coursework. This language is not consistent with the Board's current
1248 regulations for continuing education providers.
1249
1250 Ms. Helms responded that government agencies are not recognized as
1251 continuing education providers. However, the Supervision Committee was
1252 aware some agencies provide training and the Supervision Committee did not
1253 want to exclude that training.
1254
1255 Ms. Wong suggested clarifying the language to reflect the current continuing
1256 education provider requirements.
1257
1258 Ms. Helms wondered if adding the terms "continuing education approval
1259 agency or provider" would respond to Ms. Wong's concern.
1260
1261 Ms. Scott suggested referencing the regulation section that specifies
1262 acceptable continuing education providers.
1263
1264 Ms. Wong asked the Committee and stakeholders for any further comments.
1265 No additional comments were offered.
1266
1267 **Annual Assessment**
1268
1269 Ms. Helms explained current LCSW regulations require a supervisor to
1270 complete an annual assessment of the strengths and limitations of the
1271 registrant and to provide the registrant with a copy. The Committee decided
1272 that an annual assessment should also be required for LMFT and LPCC
1273 applicants.
1274
1275 Ms. Wong inquired if this was going to be more paperwork for the supervisor.
1276 Ms. Madsen replied that the Board is streamlining the paperwork
1277
1278 Ms. Wong asked the Committee and stakeholders for any further comments.
1279 No additional comments were offered.
1280

1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321

Supervisory Plan

Ms. Helms stated that LCSW and LPCC regulations require the supervisor and the supervisee to develop a supervisory plan that describes goal and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee decided to require a supervisory plan for LMFT applicants as well. This form will be merged with the Supervision Agreement which will be discussed next.

Ms. Wong held public comment and directed Ms. Helms to discuss the Supervision Agreement Form.

Supervision Agreement Form

Ms. Helms stated that currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

Ms. Helms explained that the Supervision Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” forms. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. The new form would include information about the supervisor’s qualifications, and an acknowledgement of supervisor and supervisee responsibilities. The original would be retained by the supervisee and submitted to the Board upon application for licensure. This form would apply to all three license types.

Ms. Helms referenced the new form that was included in the meeting materials.

Ms. Madsen explained that the law references are consistent with the type of violations related to supervision that the Board sees.

Ms. Berger noted that the form included a section for a supervisee to complete.

Ms. Brown stated she was pleased with the form and content. This document makes it clear what is expected.

1322 Ms. Wong stated it was important the law references should be consistent
1323 with the laws we are currently discussing.

1324

1325 Ms. Wong asked the Committee and stakeholders for any comments. No
1326 comments were offered.

1327

1328 Ms. Brown inquired if this documentation would deter someone from being a
1329 supervisor, or would it eliminate those supervisors who perhaps should not be
1330 a supervisor.

1331

1332 Mr. Shapiro responded no. Rather, the document demonstrates a
1333 commitment to the supervision.

1334

1335 Mr. Wong commented that he liked the document but wanted to be clear that
1336 an associate social worker could not gain all of their hours under a licensed
1337 marriage and family therapist.

1338

1339 Ms. Madsen and Ms. Helms responded that the law would not change. An
1340 associate social worker must gain the majority of their hours under a licensed
1341 clinical social worker.

1342

1343 Ms. Wong asked the Committee and stakeholders for any additional
1344 comments. No additional comments were offered.

1345

1346 **Weekly Log**

1347

1348 Ms. Helms stated that the “Weekly Log” form is for the purpose of tracking
1349 completed supervised experience. The form is currently incorporated by
1350 reference into the actual regulation, which means that a regulation change
1351 process is necessary in order to change the text of the form. Ms. Helms
1352 explained that to avoid this hurdle, staff has proposed language that would
1353 instead specify the required content of the weekly log, rather than including
1354 the actual form in the regulation.

1355 Ms. Helms added that the weekly log will also apply to social workers.

1356

1357 Ms. Wong inquired if the weekly log must be submitted with the application.

1358

1359 Ms. Helms responded no. The weekly logs are only requested if the Board
1360 has some questions related to the supervised hours the applicant submitted.

1361

1362 Ms. Helms added that this topic is also related to the following topic –
1363 Experience Verification.

1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403

Ms. Wong held public comment and directed Ms. Helms to discuss the Experience Verification topic.

Experience Verification

Ms. Helms stated Board staff became aware that current law does not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The Experience Verification form is a summary of all of the supervised work experience hours the applicant is claiming. This document is submitted with the applicant’s application for the clinical examination. The proposed regulations now clarify this requirement and will apply to all three license types.

Ms. Porter expressed a preference for the Board to provide a sample form.

Ms. Helms and Ms. Berger stated that a form would be provided. Ms. Helms explained that any time a form is incorporated in the regulations, any change to the Board’s law that affect a form requires a regulation change. The Board’s laws have undergone several major changes in the past few years; therefore, keeping up with the form revisions is challenging.

Mr. Wong commented that it would be beneficial to registrants to have instructions to transform the information from the Weekly Log to the Experience Verification form.

Ms. Wong suggested a fillable form would be very helpful to the registrants.

Ms. Wong asked the Committee and stakeholders for any additional comments. No additional comments were offered.

Supervisor Registration

Ms. Helms stated that the committee has proposed requiring all supervisors to register with the Board. Currently, the Board has no record of the licensees who are supervising trainees and associates until an applicant for licensure submits verification of supervised experience. The verifications are retained in applicant files.

Ms. Helms noted that some of the benefits to registering supervisors would be

- 1404 • Supervisees will have more assurance that his or her supervisor meets all
1405 requirements.
- 1406 • Supervisors will have more awareness of (and better adherence to)
1407 requirements, which better protects the supervisee.
- 1408 • Supervisors will be searchable online through Breeze.
- 1409 • The Board will have the ability to target communications directly to
1410 supervisors.

1411

1412 The Supervision Committee attempted to create a framework for supervisor
1413 registration that increases accountability without creating a significant impact
1414 on current or future supervisors.

1415

1416 The supervisor's registration with the Board would be initiated by submission
1417 of a "Supervisor Self-Assessment Report," signed under penalty of perjury.
1418 This report form will provide the supervisor's specific qualifications, and will
1419 require the supervisor to acknowledge certain responsibilities set forth in law.
1420 For BBS licensees who qualify as a supervisor, a "supervisor" status will be
1421 added to the licensee's Breeze record.

1422

1423 Implementation of this framework would create a significant new workload
1424 that cannot be absorbed by existing staff. In addition, there would be a fiscal
1425 impact to the Board for new positions and Breeze changes. Ms. Helms noted
1426 the fiscal impact would be included in the proposed legislation.

1427

1428 Ms. Helms explained that the effective date of this requirement would be
1429 delayed to January 1, 2020 to allow time for the Breeze system to be modified
1430 so that supervisors who are BBS licensees will be searchable. New
1431 supervisors would be required to submit the "Supervisor Self-Assessment
1432 Report" within 60 days of commencing any supervision. The deadline date for
1433 existing supervisors (those supervising prior to January 1, 2020) is proposed
1434 to be December 31, 2020.

1435

1436 Ms. Helms noted that this extended deadline for existing supervisors is
1437 necessary so that the workload for this new program is manageable. The
1438 California Association of Marriage and Family Therapist's 2015 demographic
1439 survey indicates that about 30% of licensees are also clinical supervisors.
1440 The Board currently has nearly 65,000 licensees with an active, inactive or
1441 expired license. Board staff is waiting on the breakdown of this number by
1442 license status, which will be provided at the meeting. Regardless of the
1443 breakdown, it is clear that thousands of applications will be submitted.

1444

1445 Mr. Liebert commented that the LPCC paperwork should include information
1446 that indicates that the LPCC is qualified to treat families and couples.
1447
1448 Ms. Helms responded that it would.
1449
1450 Mr. Liebert inquired as to how often the supervisor must submit the form.
1451
1452 Ms. Berger responded that the supervisor is required to submit the form once.
1453
1454 Ms. Berger and Ms. Helms discussed the process for a supervisor to notify
1455 the Board that the supervisor no longer wishes to be a supervisor.
1456 Consideration was given to notification on the renewal notice.
1457
1458 Ms. Scott stated that absent statutory authority the Board cannot implement
1459 another license or certification. The Committee should consider another word
1460 besides registration.
1461
1462 Ms. Brown inquired if the Board could use the terms Supervisor Eligibility
1463 Status.
1464
1465 Ms. Scott responded that this term is acceptable.
1466
1467 Ms. Wong requested the Committee members and staff think about the
1468 future. Ms. Wong wondered if the Board was moving towards another tier of
1469 licensure or just tracking the information.
1470
1471 Ms. Madsen responded to Ms. Wong's comments. Ms. Madsen noted that
1472 the Board does not know who is supervising now. This form is a good first
1473 step to determine who is providing supervision. Ms. Madsen noted that the
1474 workload would require another staff position.
1475
1476 Mr. Wong inquired if this was a list that would be kept in the BreEZe system.
1477
1478 Ms. Madsen replied that the list would be in the BreEZe system.
1479
1480 Mr. Wong expressed some concern regarding the type of information that
1481 would be available and how it would be used. If the information was only the
1482 address of record, such as a post office box, that would not be very useful.
1483 Mr. Wong stated that a one time there were discussions regarding creating a
1484 list with useful contact information.
1485

1486 Ms. Scott noted that while the Board may collect the information from the
1487 supervisor, that current law or the current proposal does not allow the Board
1488 to create a list for using that information external or internal use. This is
1489 something would need to be addressed at a later date.

1490
1491 Mr. Wong clarified that the designation of a supervisor could not appear on
1492 the public screens of BreEZe absent a law change.

1493
1494 Ms. Scott replied Mr. Wong was correct. However, internally, Board staff
1495 could use the information to verify someone is a supervisor.

1496
1497 Mr. Sodergren noted the BreEZe changes would entail linking up the
1498 information on the licensee's record.

1499
1500 Ms. Scott noted that an individual applies to be a licensee and the licensee
1501 understands that certain information would be available to the public. Under
1502 current law, the Board cannot require a licensee to make public a service
1503 such as supervision. Therefore, if the Board wanted to create a list, a law
1504 change is required.

1505
1506 Board staff discussed the option of including this in the current proposal and
1507 determined it would be better to propose the law change at a later date.

1508
1509 Ms. Porter stated that a supervisor list for registrants would be very beneficial.
1510 Registrants often contact Ms. Porter for such a list.

1511
1512 Ms. Wong asked the Committee members and stakeholders for public
1513 comment. No other comments were offered.

1514
1515 **Timelines for Supervisors**

1516
1517 Ms. Helms noted that the proposed regulations establish timelines to
1518 complete specified activities.

1519
1520 Ms. Helms explained the "Supervisor Self-Assessment Report" must be
1521 completed within 60 days of a new supervisor commencing any supervision.
1522 The effective date would be January 1, 2020. For existing supervisors, the
1523 report must be submitted by December 31, 2020.

1524
1525 Mr. Helms noted that the "Supervision Agreement" must be completed within
1526 60 days of commencing supervision with any individual supervisee.

1527

1528 Ms. Helms stated the initial 15 hour supervision training course must be
1529 completed by new supervisors within 2 years prior to commencing
1530 supervision (within 4 years if taken from a graduate program at an accredited
1531 or approved school), or within 60 days after commencing supervision.

1532
1533 Ms. Helms added that these requirements will apply to all three license types.

1534
1535 Ms. Wong asked the Committee members and stakeholders for public
1536 comment. No other comments were offered.

1537

1538 **Audits of Supervisors**

1539

1540 Ms. Helms stated that a section has been added to allow the Board to audit a
1541 supervisor's records to verify they meet the supervisor qualifications specified
1542 in statute and regulations. The proposal requires supervisors to maintain
1543 records of completion of the required supervisor qualifications for seven years
1544 after the completion of supervision, (consistent with statute regarding record
1545 retention) and to make these records available to the Board for an audit upon
1546 request.

1547

1548 Further, the Board would likely audit a supervisor during a continuing
1549 education audit or if a complaint was received. The "Supervisor Self-
1550 Assessment Report" would be used in such audits.

1551

1552 Ms. Wong clarified that the Board is attempting make these changes across
1553 the license types. Would those supervisors who have not taken the 15 hour
1554 course be required to take the 15 hour course?

1555

1556 Ms. Berger replied no. If the licensee met the requirements at the time
1557 he/she became a supervisor, the laws at the time apply. The proposal would
1558 only apply to any new supervisee after the law became effective.

1559

1560 Ms. Wong noted that it was very important to educate the licensees about this
1561 proposal.

1562

1563 Ms. Wong inquired how long existing supervisors would be required to retain
1564 their supervision records and how this would affect the continuing education
1565 requirements. Some existing supervisors may not have this information as
1566 the training occurred a long time ago.

1567

1568 Ms. Madsen explained the current continuing education process and that the
1569 audits for supervisor compliance would not begin until 2019.

1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610

Ms. Helms explained that when a new law is enacted the new law cannot be applied retroactively.

Ms. Scott pointed out that the term “records” is extremely broad and suggested using “eligibility” before the term “records”. Ms. Scott inquired as to the consequences if a supervisor was not eligible.

Ms. Madsen replied that non-compliance would result in a citation and fine.

Ms. Wong wondered if it was appropriate to include a statement as to the consequences for non-compliance.

Ms. Helms noted that current law provides that non-compliance is considered unprofessional conduct.

Ms. Wong asked the Committee members and stakeholders for public comment. No other comments were offered.

The Committee took a 15 minute break and resumed the meeting at 3:06 pm.

VII. Discussion and Recommendation for Possible Action Regarding Proposed Supervision Language Amendments for Licensed Professional Clinical Counselors

Ms. Helms stated that most of the changes to LPCC law were previously discussed during the proposed changes to the LMFT law. Therefore, she would highlight the differences only for LPCC law.

Approved Supervisors

Ms. Helms stated that only LPCC law defines the “approved supervisor” title. The title is defined in Section 4999.12 has been amended to define “supervisor” only. This is for consistency with the Board’s other license types and to ensure that the definition applies to all instances where the “supervisor” term is used.

In the interest of time, Ms. Wong suggested that comments be brief. Ms. Wong inquired if any Committee members or stakeholders had any objections to this suggestion. No one objected to this suggestion.

1611 Ms. Wong asked the Committee members and stakeholders for comments.
1612 No comments were offered.

1613

1614 **LPCC Supervising an Associate or LPCC licensee Seeking Experience**
1615 **to Treat Couples and Families**

1616

1617 Ms. Helms stated that language was added to clarify that in order for a LPCC
1618 to supervise an associate MFT, an associate PCC, or an LPCC licensee
1619 seeking the required experience to treat couples and families, the supervisor
1620 must meet the additional training and education requirements specified by
1621 BPC section 4999.20.

1622

1623 Ms. Wong asked the Committee members and stakeholders for comments.
1624 No comments were offered.

1625

1626 **Definition of “Clinical Setting” and “Community Mental Health Setting”**

1627

1628 Ms. Helms explained that the definitions of “clinical setting” and “community
1629 mental health setting” have been moved from regulations to statute. Board
1630 staff believes placing them in statute with the other defined terms is more
1631 appropriate.

1632

1633 Stakeholders and Board licensing staff expressed interest in amending the
1634 definition of “community mental health setting” due to confusion about the
1635 term. The Supervision Committee directed staff to clarify that this setting shall
1636 not be a private practice, but to delete the language about ownership of the
1637 private practice because that language was causing confusion.

1638

1639 Ms. Wong asked the Committee members and stakeholders for comments.
1640 No comments were offered.

1641

1642 **Split BPC Section 4999.46**

1643

1644 Ms. Helms explained BPC Section 4999.46 has been divided into smaller
1645 sections, with each new section focused on a specific topic of supervision.

1646

1647 Ms. Wong asked the Committee members and stakeholders for comments.
1648 No comments were offered.

1649

1650

1651

1652 **BPC Sections 4999.34, 4999.44, 4999.455, and 4999.47: Trainee and**
1653 **Associate Requirements**

1654 Ms. Helms noted that BPC sections 4999.34, 4999.44, 4999.455, and
1655 4999.47 have been moved to other newly proposed sections of law, in order
1656 to provide better flow in the placement of the law, and to provide more
1657 consistency with LMFT licensing law.

1658
1659 Ms. Wong asked the Committee members and stakeholders for comments.
1660 No comments were offered.

1661
1662 **Associates Incurring Business Expenses**

1663
1664 Ms. Helms explained current statute prohibits associates from having any
1665 proprietary interest in their employer's business. Additional language has
1666 been added stating that an associate shall not lease or rent space, or pay for
1667 furnishings, equipment, supplies or other expenses that are the obligation of
1668 their employers. This language is consistent with language already in LCSW
1669 and LMFT statute.

1670
1671 Ms. Wong asked the Committee members and stakeholders for comments.
1672 No comments were offered.

1673
1674 **Unprofessional Conduct**

1675
1676 Ms. Helms explained that this section currently states that the following two
1677 items are unprofessional conduct:

1678
1679 *4999.90(r) Any conduct in the supervision of a registered intern, associate*
1680 *clinical social worker, or clinical counselor trainee by any licensee that*
1681 *violates this chapter or any rules or regulations adopted by the board.*

1682
1683 *4999.90 (u) The violation of any statute or regulation of the standards of the*
1684 *profession, and the nature services being rendered, governing the gaining*
1685 *and supervision of experience required by this chapter.*

1686
1687 Board staff believes these two sections are duplicative, and that subsection
1688 4999.90(r) is unnecessary. Subsection 4999.90(u) already gives the Board
1689 the authority to take disciplinary action on, or to issue a cite and fine to, a
1690 licensee or registrant who violates any of the supervision provisions in statute
1691 and regulation. Therefore, this proposal deletes subsection 4999.90(r).

1692

1693 In addition, unprofessional conduct language related to discipline is
1694 inconsistent between LMFT, LCSW, and LPCC statute. For consistency, the
1695 language in 4999.90(t) and (u) are being amended to be more consistent with
1696 the language for the other license types.

1697
1698 Ms. Wong asked the Committee members and stakeholders for comments.
1699 No comments were offered.

1700

1701 **Delete Duplicative and Obsolete Language in Regulations; Move**
1702 **Language to Statute**

1703

1704 Ms. Helms stated several provisions in regulation sections 1820 and 1821 are
1705 either already in statute, or are outdated. Other subsections were moved to
1706 statute, if staff believed that location was more appropriate. The remaining
1707 provisions of section 1820 discuss specific forms that supervisors or
1708 supervisees are required to complete.

1709

1710 Ms. Wong asked the Committee members and stakeholders for comments.
1711 No comments were offered.

1712

1713 **Experience Gained Outside of California**

1714

1715 Ms. Helms stated that a section has been added to regulations discussing
1716 required criteria for supervision gained outside of California. This new section
1717 is similar to a section that already exists in LMFT regulations.

1718

1719 Ms. Wong noted a small error in the numbering of this section and requested
1720 staff to make the correction.

1721

1722 Ms. Wong asked the Committee members and stakeholders for comments.
1723 No comments were offered.

1724

1725 **VIII. Discussion and Recommendations for Possible Action Regarding**
1726 **Proposed Supervision Language Amendments for Licensed Clinical**
1727 **Social Workers**

1728

1729 Ms. Helms stated that most of the changes to Licensed Clinical Social Worker
1730 (LCSW) law were previously discussed during the proposed changes to the
1731 LMFT law. Therefore, she would highlight the differences only for LSCW law.

1732

1733

1734

1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775

Unprofessional Conduct

Ms. Helms noted that there are inconsistencies in the unprofessional conduct provisions between the license types pertaining to supervision. Changes are proposed so that the LCSW statutes will mirror the LMFT and LPCC statutes. Ms. Helms noted that there was one additional change necessary. Board staff will review the law section again and stated that the language will be presented at the upcoming Board meeting.

3,000 Supervised Experience Hours

Ms. Helms stated that at the request of NASW, the amount of supervised experience hours required for licensure is proposed to be reduced from 3,200 hours to 3,000 hours. Additionally, the maximum for the “nonclinical” category is also proposed to be reduced from 1,200 hours to 1,000 hours. The purpose of the revision is to put California in alignment with the majority of other states and with the LPCC and LMFT professions.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

Split BPC Section 4996.23 and Move BPC Section 4996.24

Ms. Helms noted that similar to the other license type laws, BPC Section 4996.23 has been divided into smaller sections, with each new section focused on a specific topic of supervision. BPC Section 4996.24 has been moved into a new section, in order to group it with the other related provisions pertaining to supervision and employment settings.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

Individual Supervision Under a LCSW

Ms. Helms stated current statute requires 13 weeks of an applicant’s supervised experience to include a minimum of one hour of individual supervision specifically under a LCSW. The proposed amendment would allow these 13 weeks of supervision to either be individual or triadic.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

1776
1777
1778

Employment, Supervision and Work Settings – Consistency with LMFT and LPCC

1779
1780
1781
1782

Ms. Helms explained a number of provisions in current LMFT and LPCC statute are proposed to be added to LCSW statute for consistency. This would be helpful for supervisors, many of whom supervise for more than one different license type. Ms. Helms summarized the proposed amendments.

1783
1784
1785
1786
1787
1788
1789
1790
1791
1792

- All experience and supervision requirements are applicable equally to employees and volunteers.
- Experience may be gained solely as part of the position for which the associate volunteers or is employed.
- Associates and applicants who receive reimbursement for expenses incurred for services rendered in a setting other than a private practice, and are issued a tax form 1099, shall be considered an employee and not an independent contractor. Applicants have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.
- Associates and applicants who receive a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession, and are issued a tax form 1099, shall be considered an employee and not an independent contractor. Applicants have the burden of demonstrating that the payments received were for this purpose.
- A supervisor must evaluate the associate's work site and determine that the site provides experience within the scope of practice, and that experience gained will be in compliance with all legal requirements.
- In any setting, associates and applicants shall only perform services where their employer regularly conducts business, which may include other locations if the services are performed under the direction and control of the employer and supervisor.
- In a private practice setting, the associate's supervisor must be one of the following:
 - An owner or shareholder of the private practice OR
 - Employed by the private practice AND practices at the same site as the associate's employer.

1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815

Rebecca Gonzales inquired if it was common in a private practice not to have a supervisor on site. Board staff replied yes and that it appears to be an increasing issue.

1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856

Ms. Wong stated that in her county mental practice an offsite supervisor may be used. Board staff replied that this practice is acceptable now.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

Weekly Log

Ms. Helms explained a weekly log for the purposes of tracking supervised experience is not currently required for LCSW licensure, though it is required for LMFT and LPCC. This log is proposed to also be required for LCSW.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

Supervisors Licensed for at Least Two Years

Ms. Helms explained current regulations require a supervisor to have been licensed in California or in any other state for at least two years prior to commencing supervision.

The amendments allow a licensee to supervise if he or she has been actively licensed in California or holds an equivalent license in any other state for at least 2 of the past 5 years immediately prior to commencing any supervision.

Additionally, the amendments add subparagraphs (a)(4) prohibiting a supervisor from having provided therapy to the associate, and (a)(5) requiring maintenance of an active license not under suspension or probation, for consistency with the LMFT and LPCC professions.

Ms. Wong asked the Committee members and stakeholders for comments. No comments were offered.

Ms. Wong inquired as to the process to vote on the proposed Supervision changes for all three license types.

Ms. Scott recommended that each package be a separate vote.

Ms. Wong then called for a vote on the proposed changes.

1857 ***Deborah Brown made a motion to adopt the proposed legislation and***
1858 ***accompanying regulations in the LMFT statues and regulations with the***
1859 ***amendments as discussed during today’s committee meeting to be referred to***
1860 ***the full Board for consideration. Christina Wong seconded the motion. The***
1861 ***committee voted to pass the motion.***

1862
1863 Ms. Wong asked for public comment. No additional comments were offered.

1864
1865 **Vote:** Deborah Brown – yes; Christina Wong – yes; Samara Ashley - yes

1866
1867 ***Samara Ashley made a motion to adopt the proposed legislation and***
1868 ***accompanying regulations in the LPCC statues and regulations with the***
1869 ***amendments as discussed during today’s committee meeting to be referred to***
1870 ***the full Board for consideration. Christina Wong seconded the motion. The***
1871 ***committee voted to pass the motion.***

1872
1873 Ms. Wong asked for public comment. No additional comments were offered.

1874
1875 **Vote:** Deborah Brown – yes; Christina Wong – yes; Samara Ashley - yes

1876
1877 ***Christina Wong made a motion to adopt the proposed legislation and***
1878 ***accompanying regulations in the LCSW statues and regulations with the***
1879 ***amendments as discussed during today’s committee meeting to be referred to***
1880 ***the full Board for consideration. Samara Ashley seconded the motion. The***
1881 ***committee voted to pass the motion.***

1882
1883 Ms. Wong asked for public comment. No additional comments were offered.

1884
1885 **Vote:** Deborah Brown – yes; Christina Wong – yes; Samara Ashley - yes

1886
1887 Ms. Wong thanked Board staff, Board Members and stakeholders for their
1888 participation in the process to revise the supervision requirements.

1889
1890 **IX. Death or Incapacitation of a Supervisor**

1891 Ms. Berger stated occasionally, an applicant who is in the process of gaining
1892 supervised experience hours, or who has completed all supervised
1893 experience hours and is preparing to apply for licensure, learns that one of his
1894 or her supervisors is now deceased, or is incapacitated to the point that they
1895 cannot verify the applicant’s experience.

1896
1897 Ms. Berger noted that this is problematic for the applicant if the required
1898 signatures were not obtained from the supervisor prior to this time. Ms.

1899 Berger explained the current documents that are required from the applicant
1900 when the applicant applies to take the clinical examination. All of the
1901 documents must be signed by the supervisor.

- 1902
- 1903 • *Supervisor Responsibility Statement:* Must be signed by the supervisor
1904 and given to the applicant prior to the commencement of any counseling
1905 or supervision
 - 1906 • *Supervisory Plan:* Must be signed by the supervisor and given to the
1907 applicant prior to the commencement of any counseling or supervision
 - 1908 • *Experience Verification:* The supervisor is supposed to sign off on
1909 supervised experience at the completion or termination of supervision
1910 (see Attachment C).

1911
1912 In addition, applicants must maintain a *Weekly Summary of Experience*
1913 *Hours*, signed by the supervisor weekly. The applicant does not submit this
1914 log to the Board except upon request.

1915
1916 Ms. Berger explained current Board practice in the event the supervisor is
1917 deceased or incapacitated and documents were not signed by the supervisor.

1918
1919 Currently, in cases where an applicant's supervisor dies or is incapacitated
1920 before all paperwork is complete, board staff reviews documentation on a
1921 case by case basis in order to determine if the Board can accept the
1922 experience hours. The Board recommends the applicant submit all of the
1923 following documentation for consideration;

- 1924
- 1925 • The previously signed, original *Supervisor Responsibility Statement* and
1926 *Supervisory Plan*.
 - 1927 • The previously signed, original *Weekly Summary of Hours of Experience*
1928 logs.
 - 1929 • Documentation by the employer verifying employment of the supervisor
1930 and supervisee.
 - 1931 • The letter of agreement for supervision if the supervisor was not employed
1932 by the employer.

1933 However, there is nothing specifically in law outlining acceptable methods of
1934 verifying supervised experience, in lieu of a supervisor's signature, should the
1935 supervisor pass away or become incapacitated.

1936
1937 Ms. Wong stated that this proposal appears to help out the applicants. Ms.
1938 Helms directed committee members and the public to the draft language.

1939

1940 Ms. Scott noted that the language was not correctly numbered and
1941 recommended this change. Ms. Scott also suggested deleting the last
1942 sentence in the proposed language and replacing with alternative language
1943 such as “satisfactory proof includes..” and then list the documentation.
1944

1945 Mr. Liebert suggested adding the phrase “but not limited to” after the word
1946 “includes”.
1947

1948 Ms. Brown inquired if this language would apply to all three license types.
1949 Board staff responded yes.
1950

1951 Ms. Wong asked for additional comments. No additional comments were
1952 offered.
1953

1954 ***Samara Ashley made a motion to adopt the proposed language with the***
1955 ***discussed amendments and bring the proposal to the full Board for***
1956 ***consideration. Deborah Brown seconded the motion. The committee voted to***
1957 ***pass the motion.***
1958

1959 **Vote:** Samara Ashley –yes; Deborah Brown – yes; Christina Wong – yes
1960

1961 **X. Review of the 6-Year Limit on Experience Hours and Intern/Associate**
1962 **Registrations**
1963

1964 Ms. Helms stated that during the Supervision Committee meetings,
1965 stakeholders requested the Board reconsider the law that prohibits a
1966 registrant from practice in a private practice setting after 6 years.
1967

1968 Ms. Helms explained that LCSW, LMFT and LPCC statutes set forth the
1969 following 6-year limits that impact supervised experience.
1970

1971 **Age of Experience Hours**
1972

1973 Hours of supervised experience must be completed during the 6-year period
1974 prior to submitting the application for licensure (aka examination eligibility).
1975 Otherwise, the hours do not count. (There is one exception to this –for LMFT
1976 applicants, the 500 hours of clinical experience gained in supervised
1977 practicum as a trainee is exempt from the 6-year requirement.)
1978

1979 **Length of Intern / ASW Registration**
1980

1981 An Intern or ASW registration may be renewed 5 times, so the registration
1982 can be held for a total of 6 years. If the supervised experience has not been
1983 completed (or if the employer requires it, etc.) a new registration may be

1984 obtained. However, those issued a subsequent registration are NOT
1985 permitted to work in a private practice setting. There are no exceptions.

1986
1987 Ms. Helms noted that although the LEP law is structured a bit differently, it
1988 has a similar limitation. LEPs are not requires to register with the Board in
1989 order to gain experience toward licensure. However, LEP law requires two
1990 years of full-time experience as a credentialed school psychologist in public
1991 schools as a condition of licensure. This experience must have been obtained
1992 no more than 6 years prior to application for licensure.

1993
1994 Ms. Helms explained that based on the information available, it appears that
1995 both the LMFT and LCSW programs have always limited the length of
1996 registrations, initially to five (5) years. It was increased in 1986 to six (6)
1997 years. Documentation of the specific rationale for implementing time limits on
1998 registrations and hours of experience cannot be located. It can be reasonably
1999 assumed that the purpose of the limits were as follows.

2000 Six year limit on age of hours of experience – This requirement may have
2001 been implemented to help ensure that newly licensed therapists have recent
2002 relevant experience.

2003 Six year length of initial Intern/ASW registration - This requirement
2004 encourages people to continue progressing through the licensing process and
2005 frees up supervisors to supervise others. It also limits the use of the
2006 registration in an unintended manner, such as solely for employment
2007 purposes.

2008 Private Practice Limit – This requirement prevents registrants from working in
2009 private practice perpetually without ever becoming licensed. It also frees up
2010 potential private practice supervisors so that others may gain private practice
2011 experience.

2012 Ms. Helms provided information regarding past stakeholder feedback and
2013 prior BBS research. Ms. Helms noted two arguments in support of the current
2014 6-year limits.

- 2015
 - The majority of applicants do not have a problem completing hours

2016 within four years (see below).

2017
 - The six-year limit is important in agency settings, as many agencies do

2018 not have the funding or staffing to continue providing the necessary

2019 supervision on a more permanent basis.

2020

2021 Alternatively, the argument against the 6-year limits is that some people take
2022 longer than 6 years to gain the required supervised experience.

2023 Ms. Helms stated that in late 2014, data was compiled on 100 LMFT
2024 applicants who recently completed their experience hours. Of those sampled:

- 2025
2026
2027
2028
2029
- **78%** were able to obtain their post-degree hours in **less than 4 years** from the date of graduation (*does NOT include pre-degree hours*).
 - The **average** length of time to complete the experience was **3.4 years**.
 - The **median** length was **3 years** (NOTE: the median gives a better picture of middle values and gives less weight to extreme cases).

2030 Ms. Helms added that in 2008, staff researched the time taken from
2031 graduation to examination eligibility for 100 ASWs. Of those sampled:

- 2032
2033
2034
- **81%** were able to obtain their hours in **less than 4 years**
 - The **average** ASW is able to complete the experience within **3.1 years**
 - The **median** length was **2.8 years**.

2035 Ms. Helms noted that these averages have remained fairly consistent over
2036 time, and staff does not believe there are currently any unique circumstances
2037 that are leading to increases in these times. Recent changes to law, such as
2038 elimination of the “buckets” of various experience hour requirements for LMFT
2039 and LPCC applicants, and an upcoming legislative proposal from the Board to
2040 allow triadic supervision, will likely make it easier to obtain the required
2041 supervised experience in a shorter timeframe.

2042 Ms. Helms explained that the law does not allow applicants to obtain an
2043 extension to the 6 years for any reason, and does not take the following
2044 situations reported by applicants into account:

- 2045
2046
2047
2048
2049
2050
- Being unable to find a full time job (more common in certain regions of the state)
 - Can only earn hours on a part-time basis because the internship is unpaid (or for health reasons, caregiving responsibilities, etc.)
 - Attending to personal matters such as serious illness, caregiving responsibilities, or the birth of a child.

2051 Additionally, in a private practice, therapy has to be prematurely terminated if
2052 the intern’s initial six-year registration runs out, even if the intern’s client
2053 wishes to continue with the intern.

2054 Ms. Helms stated in October 2014 Board Staff reviewed the experience
2055 requirements for the 10 states previously surveyed regarding experience
2056 requirements. The reviewed that the length of time a registrant may hold a
2057 registration varies from state to state ranging from no limit to 6 years. For
2058 hours accepted towards licensure, the range was from no limit to 5 years.

2059 Ms. Helms noted that in 2010, the Board of Psychology passed a regulation
2060 that limited the length of a Psychological Assistant registration to a total of 6
2061 years, due to concerns that the registration was being used by some as a
2062 career of its own rather than for the purpose of gaining licensure. The Board
2063 of Psychology does not require experience hours to be gained within a
2064 particular period of time.

2065 Ms. Helms commented that stakeholders expressed an interest in allowing an
2066 extension to the 6-year limit hours for who individuals who could document

2067 that they had suffered an extreme hardship that was out of their control, such
2068 as a severe illness, needing to provide care for a family member with a
2069 severe illness, or being deployed by the military.

2070

2071 Ms. Helms stated that such an exemption exists in law for continuing
2072 education. The language presented to the Committee today allowing an
2073 exception to the 6-year limit is modeled after the continuing education
2074 exemption.

2075

2076 Ms. Helms pointed out that there may be some concerns with the proposed
2077 language. Specifically, the Committee Members should consider
2078 Government Code section 12926 which defines what constitutes “medical
2079 condition”.

2080

2081 Mr. Liebert, on behalf of Ms. Epstein, requested that this topic be discussed at
2082 another meeting. Mr. Liebert noted concerns with the proposed language
2083 allowing an exception if the event occurred within 3 of the past 6 years prior to
2084 the date the application was submitted. Mr. Liebert suggested 1 year.

2085

2086 Ms. Gonzales stated that the proposed exceptions are reasonable. Yet, the
2087 proposal did not address the concerns of a specific situation that was brought
2088 to Board Staff’s attention. The individual is seeking licensure, but due to the
2089 individual’s current situation, gaining the hours is difficult. Ms. Gonzales
2090 suggested language that would address a situation in which the individual did
2091 not earn any hours under the first registration, the individual could submit an
2092 affidavit for consideration and be allowed to work in a private practice with a
2093 second registration number. Ms. Gonzales explained that not all social
2094 workers work in a clinical setting.

2095

2096 Ms. Madsen stated that one rationale for the 6-year limit is that candidates
2097 should be current in their practice when they take the examinations. An
2098 Occupational Analysis is conducted every 5 to 7 years. An individual with 6
2099 years recent experience is likely to perform well in the examination.

2100

2101 Ms. Madsen noted the other challenge is revising the BreZE database
2102 system and the ability to track the gaps a registrant may have as a result of
2103 the proposed exceptions.

2104

2105 Ms. Madsen stated that she does not see this occur very often. However, Ms.
2106 Madsen explained that this issue seemed to be occurring more frequently
2107 during the time period in which the Board was experiencing severe backlogs.
2108 Thankfully, the Board is no longer experiencing any backlogs in processing.

2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151

Ms. Gonzales commented that she agreed with the suggestion to discuss this topic at a future meeting.

Ms. Wong clarified that the majority of the other states do not impose any limits on the hours and California is doing this differently. Ms. Wong is not sure how broken the situation is and if it is not broken, why fix it.

Ms. Berger responded that for some individuals it is an issue.

Ms. Wong expressed a desire to support registrants gaining their hours.

Both Ms. Ashley and Ms. Brown inquired if there was a reason or time sensitive issue that would prohibit deferring this topic to a future meeting. Board staff replied no.

Ms. Madsen noted that the math suggested that at 10 hours per week, an applicant could gain the required hours within the 6 year time period.

The Committee Members, Board staff, and stakeholders discussed the benefits to deferring this topic to a future meeting. Board staff would have more time to research the topic further and provide more input from all stakeholders.

Deborah Brown made a motion to defer the discussion to the Spring 2017 Committee meeting. Christina Wong seconded the motion. The Committee voted to pass the motion.

Ms. Wong asked the Committee Members and public for comments. No comments were offered.

Mr. Wong expressed concerns about the supervision changes made today and the potential impact it may have on supervisors. Mr. Wong stated he is sympathetic to the circumstances that individuals may have that delay the gaining of their hours. Yet, the policy should have a general application.

Vote: Deborah Brown – yes; Christina Wong – yes; Samara Ashley - yes

XI. Legislation Update

Ms. Helms provided the Committee Members and stakeholders an update on the 2016 legislation session. Ms. Helms noted that Board-sponsored bill AB 1917 was signed by the Governor and becomes effective January 1, 2017.

2152 This bill amends the coursework and practicum required of LPCC applicants
2153 in order to ensure that the degree was designed to qualify the applicant to
2154 practice professional clinical counseling. The bill also amends the law to
2155 define education gained out-of-state based on the location of the school,
2156 instead of based on the residence of the applicant.

2157
2158 Senate Bill 1478 was the Board's omnibus bill making minor technical and
2159 non-substantive changes to the Board's laws was signed by the Governor.
2160 The bill also revises the title of "intern" to "associate".

2161
2162 Ms. Helms stated that AB 1001, which was supported by the Board, was
2163 signed by the Governor this morning. This bill gives more authority to the
2164 Department of Social Services more authority to ensure foster family
2165 agencies follow mandated reporting requirements.

2166
2167 Ms. Helms noted that the following bills were signed by the Governor.

- 2168
- 2169 • AB 1808 – This bill includes MFT and PCI trainees in the list of
2170 professional services who may perform mental health treatment or
2171 residential shelter services with a consenting 12-year old.
 - 2172 • AB 1863 – This bill allows Medi-Cal reimbursement for covered mental
2173 health services provided by LMFTs employed in a federally qualified
2174 health center or rural health clinic.
 - 2175 • AB 2083 – This bill allows medical and mental health information to be
2176 disclosed to an interagency child death review team.

2177
2178 Ms. Helms added that the Board's Sunset Bill, AB 2191, was signed by the
2179 Governor. This bill extends the Board until 2021.

2180
2181 Ms. Helms stated that the remaining bills the Board was watching are dead.

2182
2183 **XII. Regulation Update**

2184
2185 Ms. Berger stated the Board's ESL regulation package is currently under
2186 review by the Business, Consumer Services, and Housing Agency.

2187
2188 Ms. Wong asked the Committee Members and public for future agenda items.
2189 No future agenda items were offered.

2190
2191 Ms. Wong asked the Committee Members and public for comments for items
2192 not on the agenda. No additional comments were offered.

2193
2194 Ms. Wong adjourned the meeting at 4:11 pm.