



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

WORKFORCE DEVELOPMENT COMMITTEE MINUTES

A recorded webcast of this meeting is available at:

<https://www.youtube.com/watch?v=tP0-tcUTiBs>

DATE April 19, 2024

TIME 10:00 a.m.

LOCATIONS

Primary Location Department of Consumer Affairs
1625 North Market Blvd., #N-220
Sacramento, CA 95834

Alternative Platform WebEx Video/Phone Conference

ATTENDEES

Members Present at Remote Locations

Wendy Strack, Chair, Public Member
Justin Huft, LMFT Member
Eleanor Uribe, LCSW Member
Annette Walker, Public Member

Staff Present at Primary Location

Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Rosanne Helms, Legislative Manager
Christy Berger, Regulatory Analyst
Christina Kitamura, Administrative Analyst
Kristy Schieldge, Legal Counsel

Other Attendees

Public participation via WebEx video conference/phone conference
and in-person at Department of Consumer Affairs

1. Call to Order and Establishment of Quorum

Wendy Strack, Chair of the Workforce Development Committee (Committee), called the meeting to order at 10:11 a.m. Roll was called, and a quorum was established.

2. Introductions

Committee members introduced themselves during role call; staff and public attendees introduced themselves.

3. Consent Calendar: Discussion and Possible Approval of January 19, 2024 Committee Meeting Minutes

Motion: Approve the January 19, 2024 Committee meeting minutes.

M/S: Huft/Walker

Public Comment: None

Motion carried: 4 yea, 0 nay, 0 abstention.

Member	Vote
Justin Huft	Yes
Wendy Strack	Yes
Eleanor Uribe	Yes
Annette Walker	Yes

4. Overview of the Purpose of the Workforce Development Committee

At its January 2024 meeting, the Committee discussed the following:

- Permitting early eligibility to take the Board required clinical examinations and directed staff to work with the Association of Social Work Boards (ASWB) and the National Board of Certified Counselors (NBCC) to determine if this would be a feasible option.
- Proposed amendments to the Board’s additional time allowance for English as a Second Language (ESL) examinees; directed staff to draft language and bring back for further discussion.
- Licensure pathway draft survey; directed staff to bring the draft survey to the Board for review and additional feedback.

5. Discussion and Possible Recommendation to the Board Regarding Permitting Early Eligibility to Take the Clinical Examination

At its January 2024 meeting, the Committee directed staff to have discussions with Association of Social Work Boards (ASWB) and National Board for Certified Counselors (NBCC) regarding options for permitting early eligibility to take their exams.

ASWB indicated that their requirement for taking the exam at 18 months of experience is based on psychometric research but was agreeable to the Board specifying the number of hours at which the exam could be taken, if justifications were made. They recommended the Board write a proposal letter to ASWB's Board of Directors for consideration.

NBCC indicated that they currently permit their National Clinical Mental Health Counseling Examination (NCMHCE) exam to be taken at various times; they would likely be open to the Board's recommendation.

Considerations for future discussion:

- If the Board were to accept 1500 hours of supervised experience to sit for the exam, the Board will need to decide if it will accept the early scores for NBCC.
- Currently, only MFTs can earn pre-degree hours. Would those hours be accepted?
- Can candidates continue to lock in their experience hours, or will the experience hours age?

Discussion/Public Comment

Huft: Individuals should be allowed to take clinical exams as early as reasonably possible. The Board does not have data that suggests that the difference between 1500 hours and 3000 hours improves clinical efficacy and exam rates. However, there is data that suggests that the time it takes to accrue hours is a barrier across multiple licenses.

Helms and Sodergren: Other changes are coming down the pipeline. Expressed the importance of being mindful before implementing changes too quickly.

Christine Tippitt: Requested the Board to consider the following exam process: 1) take and pass the law and ethics exam within the first year, 2) take and pass the "midpoint" exam, 3) at the end, take the national exams.

Dr. Ben Caldwell: Any bill that would move the exams up in the process would be welcomed by associates. It does not change the requirements and would not be a "pro" or "anti" exam bill, but it would be a workforce bill. Furthermore, 1500

hours is a reasonable standard. It would be even better to allow candidates to take the exam as soon as possible after completion of the qualifying degree.

Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT): Supports taking exams earlier. Asked why a specified minimum number of hours should be met. Requested research or further discussion to consider less than 1500 hours. CAMFT does not see any public protection issue.

Kat Besse, California Alliance of Child and Family Services: Supports allowing early eligibility to take the clinical exam.

Stephanie Stiavetti: Supports earlier testing. Students and pre-licensed clinicians with disabilities are at a disadvantage with scheduling exams based on accommodations at testing centers and find themselves scheduling their exams months in advance. Allowing for earlier testing reduces barriers for those with disabilities.

Helms: Explained why 1500 hours was suggested (in response to Atkins' question). ASWB does not permit their exam to be taken until after 18 months of experience but indicated that they would possibly allow 1500 hours.

Staff was directed to start drafting language, consult with legal for direction on what will be proposed in statute and in regulations, and continue discussions regarding details.

Schildge: Suggested looking at other states and their models/language.

6. Discussion Regarding Additional Coursework Requirements for all Board-Regulated Professions

Staff presented an overview of additional coursework requirements for all the Board-regulated professions, specifically for applicants who hold an in-state degree. This is the first step towards a holistic review of all additional coursework requirements for consistency, clarity, and relevance.

Note Re: Out-of-State Applicant Coursework

This review only covers in-state applicants in order to keep the review process manageable. However, out-of-state applicants for LCSW, LMFT or LPCC licensure must also complete additional coursework.

The coursework for these applicants must be completed at the graduate level (unlike most in-state additional coursework, which may be completed at the undergraduate level). The amount of coursework depends on which license they are applying for, and whether they are applying via Path A (streamlined path for those licensed for two or more years in another state) or Path B (licensure via evaluation of education and experience).

If the Committee recommends that certain coursework for in-state applicants should remain at the undergraduate level, course level requirements for out-of-state applicants should be discussed for consistency and parity.

Discussion/Comments

Caldwell: Expressed that it is time for a holistic review. Education for the license should be met through the degree program. Additional courses required after the degree lead to clinicians spending hundreds or thousands of dollars more on required education. Everything on the chart (provided in meeting materials) should be a degree content requirement. Degree granting programs should be allowed the autonomy to determine how many hours of education are appropriate. Where the Board has specified requirements for particular content areas, those requirements have been arbitrary.

Atkins, CAMFT: CAMFT concurs and supports the education requirements be integrated in the educational programs instead of fulfilling the additional coursework after the degree program. Schools should decide on the units/hours.

Staff stated that those with older degrees will still have to complete additional coursework if their degree did not include a course requirement. Staff will need to address it without having those degrees not qualify due to new criteria.

No action was required for this item.

7. Discussion and Possible Recommendation to the Board Regarding Amendments to the Human Sexuality Coursework Requirements for all Board-Regulated Professions: (Business and Professions Code (BPC) §§ 25, 4980.36(d)(2)(H), 4980.41(a)(3), 4996.2(g), 4999.32(e)(2) and 4999.33(d)(7); Title 16, California Code of Regulations (CCR) §1807)

Staff presented the human sexuality coursework requirements for all of the Board's license types for applicants who hold an in-state degree. But it is not required for LEP applicants.

LEP Profession

LEP applicants are not required to have coursework in human sexuality. However, to qualify for licensure, all LEP applicants must have experience as a credentialed school psychologist in California. To obtain that credential, a degree that meets the standards set forth by the Commission on Teacher Credentialing is required. Those standards do not include human sexuality coursework. However, the standards do require competency in human development, and this may provide at least minimal coverage of human sexuality.

Course Length Differences

For LMFT and LPCC applicants who began their degree program prior to January 1, 2012, human sexuality coursework may be taken either within or outside of

their degree program. For these applicants, as well as for all LCSW applicants, the course must be 10 hours in length.

For LMFT and LPCC applicants who began a degree program on or after January 1, 2012, human sexuality coursework is required to be part of their degree program, and no specific number of hours are required.

Course timing differences

LMFT applicants with a pre-2012 degree, as well as all LCSW applicants, must take this course prior to obtaining a license.

LMFT applicants with a post-2012 degree, as well as all LPCC applicants, must take this course prior to obtaining a registration.

Note Re: Out-of-State Applicant Coursework

While this review focuses on applicants with an in-state degree, there are some issues to consider pertaining to applicants with an out-of-state degree. LCSW, LMFT and LPCC out-of-state applicants under Path B must complete a graduate level human sexuality course prior to licensure, and Title 16, CCR section 1807 specifies course content for both in-state and out-of-state applicants. Two issues to consider are:

- If any changes are proposed to be made to section 1807, those changes would also affect out-of-state applicants. However, if the Committee believes that the changes should only apply to in-state applicants, staff can draft the language that separates them out.
- If the Committee recommends that human sexuality coursework for in-state applicants should remain at the undergraduate level, the Committee should discuss whether the course should be allowed at the undergraduate level for out-of-state applicants.

Discussion/Comments

Caldwell: This topic area belongs in the degree program without specific hours of coverage. It may be possible to group this topic along with HIV/AIDS, prenatal and perinatal mental health under a category of human sexuality and reproductive health. That could be a category within the degree program, leaving specific coverage up to the programs.

Strack: Asked if it is possible to do what Caldwell recommended.

Helms: Recommended having a holistic discussion on the HIV/AIDS coursework, and any other topics, in the discussion before grouping it/condensing it; and determine which topics would group together appropriately. Staff can consult with subject matter experts.

Strack: Agreed in having discussions on other topics before taking action on this item.

No action taken.

8. Discussion and Possible Recommendation to the Board Regarding Proposed Amendments to the Board’s Additional Examination Time: English as a Second Language Regulations: Title 16 CCR §1805.2

At its January 2024 meeting, the Committee reviewed the Board’s current English as a Second Language (ESL) regulations for additional exam time allowance and the allowances offered by the Board’s exam vendors. The Committee directed staff to do the following:

- Draft amendments to allow an option for additional exam time if the applicant attests under the penalty of perjury that English is their second language.
- Examine the Board’s current exam time allowances and compare those with the amount of time that “time-and-a-half” allows.
- Review the ESL allowances of other DCA boards to determine how they compare with the Board’s ESL allowance.

Helms: Proposed text on Attachment A, subdivision (a) has been amended since the posting of these meeting materials. Per the Board’s regulatory counsel, regulations must meet a higher standard for clarity for the Office of Administrative Law (OAL). Counsel assisted staff in drafting language for the attestation for Attachment A, subdivision (a). The draft language is as follows:

A written statement signed and dated by the applicant that includes a certification of the following statement are true and correct under penalty of perjury under the laws of the state of California:

“I hereby certify that I do not speak English as my primary language. I most frequently speak another language to communicate with others and have difficulty reading, writing, or speaking English proficiently.”

Schildge: Explained that the text as proposed in the meeting materials is unclear as to what the attestation needs to say. The intent is to grant additional examination time to someone who has proficiency issues. Since the state’s Civil Rights Department has adopted regulations to define English proficiency, it would be appropriate to use that as part of the certification being requested.

Discussion/Comments

Huft: This is an important step forward. Attestation is important to open opportunities.

Caldwell: The current ESL requirements are stringent and expensive and are not likely serving some individuals where an accommodation would be appropriate. It is difficult to make that determination in the absence of data. Requested staff to produce a report comparing exam success rates for those with and without ESL accommodations for each of the Board's exams and for the national exams.

Caldwell: Regarding the proposed language for the attestation, would there be a gap left of people whose language processing is slower because English is not their native language, but who would not qualify under that proposed language because they might speak English more at home? Are we potentially leaving out people who would reasonably qualify for any accommodations?

Atkins, CAMFT: CAMFT supports lessening burdens and adding to the workforce.

Stephanie Stiavetti: Concurred with Caldwell. Who might we miss by the current wording based on difference in language processing times and abilities?

Schildge: We want to make sure that we don't make the option so open-ended that everyone who speaks a second language will qualify. We want to reach those who have proficiency issues because we're talking about accuracy, not fluency, of the information communicated. We're trying to make sure we have a method for ensuring that only the people that need additional time qualify. It's not a disability to speak another language, so we're not accommodating people. We're trying to equalize the field for people when taking the exam.

Helms: Emphasized the language states "reading, writing or speaking."

Motion: Direct staff to draft discussed language into Attachment A, possibly fine tune the language per the discussion, and bring the proposal to the Policy and Advocacy Committee for consideration.

M/S: Strack/Walker

Public Comment: None

Motion carried: 4 yea, 0 nay

Member	Vote
Justin Huft	Yes
Wendy Strack	Yes
Eleanor Uribe	Yes
Annette Walker	Yes

9. Update on the Licensure Pathway Survey

Staff presented summaries of the Licensure Pathway Survey responses from registrants and licensees, and a summary of the responses to questions that asked participants to rate the impact of factors that may have posed a barrier to achieving a licensing milestone.

Staff will be conducting an in-depth analysis of items not included in the summaries, such as the free form responses and comments. This report will be presented at a future meeting.

Discussion/Comments

Huft: Would like to discuss the prohibitive cost of supervision. The cost is a barrier. We need to make sure that supervision is inclusive and accessible in the process.

Caldwell: Curious to see differences by profession. Curious to see how these questions might interact. Are people who are paying for supervision, more likely or less likely to find that supervision prepared them well?

Atkins, CAMFT: CAMFT is still reviewing the results of the survey.

10. Update on the Voluntary Examination Demographic Survey

Board staff continue to work on the development and the possible implementation of a voluntary demographic survey for candidates who are taking a Board-developed examination. This data will be used by DCA's Office of Professional Examination Services to perform a differential item functioning analysis of Board examinations.

A project plan was submitted to the Department's Office of Information Services (OIS) Project Management Team and was approved on March 7, 2024, for an impact analysis. During this process, OIS staff will work with the Board in determining the specifics of the project to assess the development efforts that will be required. Once the impact analysis is complete, OIS will determine how this effort will be included in their current workload and schedule system releases.

Board staff is in communication with legal counsel to ensure that the voluntary survey complies with information privacy laws.

Discussion/Comments: None

11. Suggestions for Future Agenda items

None

12. Public Comment for Items not on the Agenda

None

13. Adjournment

The Committee adjourned at 12:15 p.m.