



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=MYWhrsk_Fjw

DATE October 11, 2024

TIME 1:00 p.m.

LOCATIONS

Primary Location Department of Consumer Affairs
1625 North Market Blvd., #S-102
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
Dr. 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 Manager
Christina Kitamura, Administrative Analyst
Syreeta Risso, Special Projects and Research Analyst
Sabina Knight, Legal Counsel
Kristy Schieldge, Legal Counsel

Staff Presented at Remote Location

Marlon McManus, Assistant Executive Officer

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 1:00 p.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 August 9, 2024 Committee Meeting Minutes

This item was tabled.

4. Overview of the Purpose of the Workforce Development Committee

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

- Discussed the possible recommendation and regarding permitting early eligibility to take the clinical examinations and other potential changes to the licensing process.
- Discussed possible amendments to the Child Abuse and Assessment and Reporting coursework requirements for all Board-regulated professions.
- Update on the licensure pathway survey.

5. Discussion and Possible Recommendations Regarding Permitting Early Eligibility to Take the Clinical Examination and Other Potential Changes to the Licensing Process (Business and Professions Code (BPC) §§4980.35, 4980.397, 4980.398, 4980.399, 4980.40, 4980.41, 4980.43, 4980.43.2, 4980.50, 4980.54, 4984.01, 4984.7, 4984.72)

At its April 2024 meeting, this Committee discussed whether permitting applicants to take the clinical exam early, once 1,500 experience hours are gained, would reduce barriers to licensure. The Committee directed staff to examine this issue further, including examining relevant statutes and regulations that would need amending, consulting with legal counsel, and examining potential issues of concern.

Staff has identified the statutes and regulations that would need amendments and is in the process of drafting a proposal and consulting with BBS' examination unit, licensing unit, and legal counsel on the effects of the proposed changes, potential issues of concern, and how the changes could be implemented.

Changing the timing of the clinical exam may also provide an opportunity to address several issues in the licensing process that are interrelated, which may be best addressed at the same time. Therefore, staff's proposal contains those potential changes.

The proposal presented was intended as a discussion to gain feedback from the Committee and stakeholders.

Changes for consideration:

1. **Timing of Clinical Exam:** Permit the clinical exam to be taken once an applicant has completed 875 hours of supervised experience performing direct clinical counseling.

Under this proposal, the experience hours must be less than 7 years old at the time of application for the clinical exam. All education requirements for licensure would also need to be met before taking the clinical exam.

Under this proposal, the requirement in regulations (§1806) to attempt the clinical exam every year to avoid abandoning the application would be deleted. Instead of "locking in" hours indefinitely regardless of age once eligibility for the clinical exam is obtained, hours would expire gradually as they became 7 years old.

2. **California Law and Ethics Exam:** This proposal would allow an associate to choose when they take the California law and ethics exam; however, it must be passed before a subsequent number is obtained.
3. **Age Limit for California Law and Ethics Exam:** This proposal places an age limit of 7 years on a passing score for the California Law and Ethics Exam.
4. **Change in Registration Number Length and Time Supervised Experience Hours Valid:** This proposal extends the allowable length of time a registration number is valid from 6 years to 7 years. It also extends the amount of time supervised experience hours are valid from 6 years to 7 years.
5. **Requirement to Apply for Licensure:** Upon application for license issuance, the applicant's experience hours, clinical exam score, and California law and ethics score must be no more than 7 years old.
6. **Prohibition on Private Practice with a Subsequent Registration Number:** The proposal makes a change to the "six-year rule" that prohibits an associate from working in a private practice with a subsequent registration number. Under the proposal, the law would continue to prohibit associates with a subsequent associate number from working in a private practice. It

would, however, permit an associate with a subsequent registration number to request a one-time, two-year hardship extension. The extension would allow an associate to finish gaining their experience hours in one private practice setting, if the supervisor or employer and the associate submit a request to the board providing specified information.

Discussion

Huft: Expressed that he likes the proposed changes and urges staff to identify other states that have implemented this sort of change in exam processes and then identifying two possible outcomes (evidence-based data): 1) population of therapists, changed demographics, or the rate of increase in population; 2) change in the number of complaints against therapists.

Uribe: The proposed changes are helpful in decreasing barriers.

Public Comment

Shanti Ezrine, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports allowing applicants to take the clinical exam before the completion of 3000 clinical hours. CAMFT does not have any concerns regarding the draft proposals and does not see a harm to consumer protection.

Dr. Ben Caldwell: The proposed changes seem to have a variety of positive impacts on the licensure process without appearing to raise concerns regarding consumer protection.

Cathy Atkins, CAMFT: CAMFT supports the intent of the proposed changes. CAMFT will review the language further to ensure that there are no unintended consequences.

The Committee directed staff to obtain data regarding other states that may have implemented these types of changes, for example, how did the change(s) affect their population of therapists; did they experience a rise in complaints after implementation. Additionally, staff will continue to seek feedback from stakeholders.

6. Discussion and Possible Recommendation Regarding Amendments to the Alcohol and Substance Abuse Coursework Requirements for all Board-Regulated Professions: (Business and Professions Code (BPC) §§ 29, 4980.36, 4980.37, 4980.41, 4996.2, 4996.18, 4999.32, 4999.33; Title 16, California Code of Regulations (CCR) §1807.3)

There are varying requirements among the professions, and within certain populations of applicants within a profession. Staff provided information for a comparison and for the laws pertaining to the coursework for each profession. Staff also presented the full requirements for LMFT and LPCC degree programs

since certain applicant populations are required to have this coursework within their degree program.

Implications of Changing Alcohol and Substance Abuse Course Requirements

For Category A LMFT and LPCC applicants, making any significant changes to course content required to be within the degree program could negatively affect future applicants because if any content is missing, even if minor, it may result in a nonqualifying degree. If changes are desired to required content for Category A LMFT and LPCC “applicants, there are two ways this could be addressed to avoid this type of impact to applicants:

1. Option1: Make it acceptable for any new content to be obtained outside of the degree program; or,
2. Option 2: Only require degrees obtained after a certain date to include the new content.

Both options have drawbacks. For option 1, proof of course completion would be submitted by the applicant for staff review. If multiple course content changes are recommended by the Committee during its holistic review of additional coursework, this will result in an increased length of application review, which leads to more possibilities of application deficiencies.

Option 2 would create another set of degree programs, with separate review processes and forms. This would result in staff needing to evaluate against three separate sets of degree requirements. In addition, a longer delay in implementation would be needed to give schools time to incorporate the new content.

However, minor changes, such as changing the terminology “substance abuse” to “substance use” would not have this type of impact.

Note Re: Out-of-State Applicant Coursework

There are issues to consider pertaining to applicants with an out-of-state degree. LCSW, LMFT and LPCC out-of-state applicants under Path B (licensure via education and experience) must complete a graduate level course prior to licensure. Two issues to consider:

- If the Committee recommends that coursework for in-state applicants should remain acceptable to be taken via continuing education (for those applicants not required to have it in their degree program), the Committee should discuss whether the course should be allowed to be taken via continuing education (CE) for out-of-state LCSW and LMFT applicants.
- If the Committee recommends that course content changes are necessary for in-state applicants, similar course content requirements for out-of-state

applicants should be considered. An inconsistency that may need to be considered is that LMFT Path B applicants are required to complete 30 hours of coursework in this area, where in-state applicants only need 15 hours.

Staff Recommendation

Exemption for Certain LMFT and LCSW applicants: Staff recommends striking the exception for LMFT applicants who began graduate study on or before January 1, 1986, and for LCSW applicants who matriculated before January 1, 1986.

Course timing: Staff recommends that all LCSW and LMFT applicants be required to take the course prior to associate registration with no exceptions, and that LEP applicants take the course prior to licensure rather than prior to first license renewal, to help ensure all practitioners are able to adequately assist these clients. In addition, requiring specific courses at first renewal often lead to CE audit failures.

Course length: Staff recommends that a subject matter expert review the required course length and make a recommendation.

Course content: Staff recommends that a subject matter expert review the required course content and make a recommendation.

CE vs. graduate level for out-of-state LCSW and LMFT applicants: Staff recommends that this course be allowed as CE for out-of-state applicants. Graduate coursework is much more costly than CE courses, and making this change would create equity with in-state course requirements.

Discussion

Huft: Staff's recommendations seem reasonable.

Walker: Feels that the course content needs to be reviewed by a subject matter expert (SME). Requested that the SME's findings/recommendations be shared with the Committee.

Berger: In response to Walker's comment, staff will work with more than one SME to draft proposed language. These changes would need to be in either statute or regulation, or both.

Public Comment

S. Ezrine, CAMFT: Given the complexity of this topic, CAMFT would like to take a closer look at the attachments provided and circle back with staff as the proposals are being developed and brought back to the Committee.

Staff will continue moving forward with this.

7. Discussion and Possible Recommendation Regarding the Workforce Development Action Plan

Based on data captured by the Licensure Pathway Survey, staff developed short-term and long-term workforce development goals.

Short-Term Goals

- Organize targeted outreach and listening sessions for educators, supervisors, and associates to address common licensure pathway concerns and gather ongoing feedback.
- Review existing outreach materials and develop additional resources to provide educators, supervisors, and associates with clearer, more detailed information on the licensure pathway.
- Develop specific materials for supervisors that outline their responsibilities, supervision requirements, and best practices for supporting supervisees through the licensure process.
- Create a dedicated webpage and outreach campaign highlighting available grants and scholarships for individuals pursuing a career in mental health.

Long-Term Goals

- Create outreach materials and organize outreach events for high schoolers and undergraduates to inform those considering a career in mental health.
- Explore possible modifications to the examination retake fee and initial license fee to ease the financial burden on applicants.
- Investigate the feasibility of providing a no-cost exam preparation course specifically for candidates who do not pass the Board's Law & Ethics examination.
- Review current supervised hour requirements to identify regulatory amendments that could reduce licensure barriers while ensuring consumer safety.
- Develop an online platform for associates to track and electronically submit supervised hours directly to the Board to streamline the application submission and review process.
- Seek legislative changes allowing candidates to take the clinical examination before completing the 3,000 supervised hour requirement.

- Seek legislation that would enable associates to choose when to take the Law & Ethics exam, removing the mandatory requirement during every renewal cycle.
- Seek legislation that would extend the expiration of registration numbers from six to seven years.
- Pursue legislation to allow associates with subsequent registration numbers to apply for a one-time, two-year hardship extension, ensuring continued employment in private practice settings.
- Research possible initiatives the Board can pursue to increase the financial support available to applicants and associates.
- Enhance supervision oversight by implementing real-time submission of supervisory forms and conducting regular supervision audits to identify areas where additional education and outreach may strengthen supervision practices.

Discussion

Walker: Requested to move an action plan item from the long-term list to the short-term list (Research possible initiatives the Board can pursue to increase the financial support available to applicants and associates).

Uribe: Requested to add a topic regarding practice exams to the action plan.

Walker: Requested to look in conducting focus groups.

Huft: Wants to push back on the idea of listening sessions for educators and supervisors because they are already licensed and not in the pipeline. They would not necessarily have a deep understanding of the pipeline issues nor are they navigating the pipeline. Cautioned against soliciting information from people who are removed from that process.

Public Comments

S. Ezrine, CAMFT: CAMFT will take a closer look at the action plan and provide feedback.

B. Caldwell: Suggested as a long-term goal, identifying and reducing disparities in the licensing process.

Committee requested to move the long-term item “Research possible initiatives the Board can pursue to increase the financial support available to applicants and associates” to the short-term list.

8. Suggestions for Future Agenda items

Elyse Springer: AB 2581 on maternal mental health in light of AB 1936 (perinatal mental health) that recently passed.

9. Public Comment for Items not on the Agenda

None

10. Adjournment

The Committee adjourned at 2:31 p.m.