

**BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

Hearing Date: August 4, 2008

Subject Matter of Proposed Regulations: Recognition of Degrees from Schools Approved by the Bureau for Private Postsecondary and Vocational Education.

Section(s) Affected: Adopt Section 1832.5 in Division 18 of Title 16 of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

Business and Professions Code section 4980.40 requires applicants for MFT licensure to possess a doctor's degree or master's degree from a school, college, or university accredited by the Western Association of Schools and Colleges (WASC), or approved by the BPPVE or the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE). Business and Professions Code section 4980.44 (a)(1) imposes the same requirements to qualify for an MFT intern registration.

The board has the authority pursuant to subdivision (a) of Business and Professions Code section 4980.40 to make the "final determination" as to whether a degree meets all requirements for licensure, regardless of accreditation or approval. This proposal would clarify that authority by specifically permitting the board to recognize degrees that were conferred between January 1, 2009 and June 30, 2012 by schools that were approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE) as of June 30, 2007.

Specifically, the regulation would:

- permit the Board to recognize applicants for MFT licensure and MFT intern registration who obtain a degree from a BPPVE-approved school between January 1, 2009 and June 30, 2012 to continue to qualify for licensure and registration, as long as the school held an approval to operate as of June 30, 2007;and,
- authorize the Board to recognize these degrees from these BPPVE-approved schools until either legislation reenacts the Private Postsecondary and Vocational Education Reform Act and the BPPVE or until legislation provides for a successor agency to BPPVE.

Factual Basis/Necessity

The former Bureau for Private Postsecondary and Vocational Education (BPPVE) issued approvals to schools operating in California that had no Western Association of Schools and Colleges (WASC) accreditation and conferred MFT degrees upon persons qualifying for licensure as a Marriage and Family Therapist (MFT), and registration as an MFT Intern with the Board of Behavioral Sciences (Board). The BPPVE became inoperative July 1, 2007 and its authority repealed January 1, 2008. The sunset of this legislation had the effect of repealing both the BPPVE and the underlying statutes that govern the approval of thousands of educational institutions including 21 school programs offering degrees required for MFT intern registration and MFT licensure.

Subsequently, in 2007, the Governor signed two legislative proposals to address the sunset of the BPPVE, Assembly Bill 1525 (Cook) and Senate Bill 45 (Perata).

AB 1525 temporarily extended school approvals formerly issued by the BPPVE until July 1, 2008 for schools that had a valid approval to operate as of June 30, 2007. This legislation was intended to allow schools to retain their approvals for the purpose of interpreting laws that require graduation from a BPPVE-approved school as a qualification for registration or licensure. This bill was to serve as a stop-gap measure until legislation reinstating BPPVE could be signed into law.

SB 45 extended by six months (until January 1, 2009), institutional approvals necessary to preserve student ability to sit for licensing exams. This bill extended the provisions of AB 1525 and established a Bureau for Private Postsecondary Education in the Department of Consumer Affairs that had a limited function, intended to serve as another bridge measure until a larger reform bill was passed. As a result of this legislation, qualifying degrees conferred upon persons who graduated from these BPPVE-approved schools will continue to be recognized by the Board through January 1, 2009. A legislative proposal has been introduced to establish a new administrative entity to succeed the BPPVE (SB 823), but it is unclear whether or not this proposal will pass.

Absent further legislative or regulatory action, the Board will be unable to accept degrees conferred by these 21 programs after January 1, 2009, preventing new applicants from obtaining a MFT intern registration. These proposed regulations would provide the Board with the authority to continue recognition of qualifying degrees conferred by schools that have retained approvals from the BPPVE after January 1, 2009 (the expiration date of SB 45), provided that the degree is awarded on or before June 30, 2012.

This proposed rulemaking will clarify in regulation which degrees meet the requirements

set forth in statute. Currently the board has the authority to make the final determination as to whether a degree meets all the requirements regardless of accreditation or approval (Business and Professions Code section 4980.40(a)). Additionally, pursuant to Business and Professions Code section 4980.60(a) the board may adopt rules and regulations necessary to enable it to carry into effect the provisions set forth in Chapter 13 of the Business and Professions Code, the chapter of law that provides for the licensing and regulation of MFTs. This regulation is necessary to clarify the board's authority to continue recognizing degrees conferred by BPPVE approved schools.

Without BPPVE approvals, one of the major pathways for MFT internship would be blocked. California consumers would be denied services that could be provided by these new licensees and registrants. Additionally, as a result of the Mental Health Services Act, county agencies are expected to add approximately 3,525 new positions for direct service providers. MFT Interns are an important source of employees for these agencies, especially given that workforce needs and challenges identified by county agencies are language proficiency, cultural competency and representative diversity. A recent demographic survey by the Board indicated that MFT Interns are much more diverse than MFT licensees are. These regulations are necessary to clarify that the Board still has authority to recognize degrees from applicants graduating from BPPVE-approved schools after January 1, 2009.

Underlying Data

None

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts or evidence/documents/testimony:

There would be no costs to businesses or individuals to comply with this regulation, and there are no other economic costs anticipated. This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of the proposal to individuals is to avoid the loss of income that could occur for graduates between January 2, 2009, and June 30, 2012, as a result of their schools not being recognized by the Board. The Board estimates that an average of 358 students graduate from approved MFT programs per year. To businesses, the economic impact of this proposal is to avoid the potential loss of revenue from these students who may decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board.

Specific Technologies or Equipment

- This regulation does not mandate the use of specific technologies or equipment.
- This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.