

## FINAL STATEMENT OF REASONS

Hearing Date: April 21, 2015

**Subject Matter of Proposed Regulations: Licensed Professional Clinical Counselors – Treatment of Couples and Families**

**Section(s) Affected:** Amend Sections 1820, 1820.5 and 1822 of Division 18 of Title 16 of the California Code of Regulations. Add Section 1820.7 to Division 18 of Title 16 of the California Code of Regulations.

### **Updated Information**

The Initial Statement of Reasons is included in the file (Tab III). No updates have been made to that information.

### **Objections or Recommendations/Responses to Comments:**

The Board received one question via email during the 45-day public comment period from Margaret Evanow, M.S., L.P.C., Children's Advocacy Group, Inc. Ms. Evanow's question was as follows:

#### **COMMENT NO. 1: Change to LPCC Supervised Experience Form:**

Ms. Evanow states that the changes to forms for LPCC supervised experience for couples and family therapy appears to be the LPCC intern form. She wants to know if those persons who previously used the MFT supervised experience form can still submit it, or if they now need to get their supervisor to sign the revised LPCC intern form. (The MFT supervised experience form already has a line to document experience gained treating couples and families, where previously the LPCC intern form did not, so some people used the MFT experience form to document their couples and family hours.)

RESPONSE: This comment did not request a change to the regulation, so the comment is not accepted or rejected. The Board answered Ms. Evanow as follows:

The Board has been advising LPCCs who wish to treat couples and families to maintain the documentation they currently have. If an applicant or licensee who wishes to treat couples and families had previously documented their couples and family experience hours on the MFT supervised experience form, that would be sufficient; they would not need to re-write that information on the new form and obtain a new signature from the supervisor.

### **Comments Received During the 15-Day Period the Modified Text was Available to the Public**

The Board did not propose any modifications to the proposed regulations, therefore a 15-day public comment period was not necessary.

### **Small Business Impact:**

The Board has determined that the proposed regulations may affect small businesses.

These proposed regulations will impact those licensed professional clinical counselors, and any business that they own or that employs them. This could include small businesses (the Board does not license small businesses, but does license LPCCs). It will make it easier for the business to verify if the LPCC they are employing is qualified to treat couples and families. If an LPCC owning or employed by a small business chooses to complete the coursework and experience required by BPC Section 4999.20 in order to treat couples and families, it could increase their client base.

It is not possible for the Board to estimate the number of businesses impacted, as this regulation will affect only LPCCs who wish to be allowed to treat couples and families. Choosing to do this is voluntary.

### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the BBS 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.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because it leaves a number of questions left unanswered by current law. Confusion due to a lack of clarity in the law among stakeholders would continue. Lack of action may reduce the number of practitioners available to treat couples and families, and lead to fewer supervisors. It would leave practitioners left to guess on their own whether they have met the requirements to treat couples and families, and there would continue to be no way for consumers, employers, etc. to verify qualifications. Through a committee process in which stakeholders had significant input, the solutions presented in this proposal were formulated, and have been determined to be the best method of providing consumer protection.
2. Adopt the regulations. The Board determined that this alternative is the most feasible because it creates a system whereby consumer protection is increased by ensuring that an LPCC's qualifications to treat couples and families have been adequately met. It provides a method for verification of qualifications for interested stakeholders. The proposed framework would also help to ensure quality of supervised experience.

### **Finding of Necessity**

The Board of Behavioral Sciences hereby finds that it is necessary for the public health, safety, and welfare of the people of California that this regulation apply to business.

### **Local Mandate**

The proposed regulation does not impose any mandate on local agencies or school districts.

## **ADDENDUM TO THE FINAL STATEMENT OF REASONS**

This document serves as an addendum to the Final Statement of Reasons. The Final Statement of Reasons document is updated as follows:

1. This statement serves to clarify that the Fiscal Impact Statement in the Notice implies that there are no federal funding costs or savings to the state. None of the Board's programs receive any federal funding.
2. The Consideration of Alternatives section of the Final Statement of Reasons, 1<sup>st</sup> paragraph, should state the following (added text is shown in underline):

*No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the BBS 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.*

3. The numbers (1-6) and Letters (a.-c.) on Form 37A-645 (Revised 02/15) "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns (For Hours Gained on or After January 1, 2014) are new text, and have therefore been underlined.