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CONSENT

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Bill No: AB 2253  
Author: Low (D)  
Introduced: 2/13/20  
Vote: 21

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SENATE HEALTH COMMITTEE: 8-0, 8/1/20

AYES: Pan, Lena Gonzalez, Grove, Hurtado, Leyva, Mitchell, Monning, Rubio

NO VOTE RECORDED: Melendez

ASSEMBLY FLOOR: 76-0, 6/8/20 (Consent) - See last page for vote

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**SUBJECT:** Professional licensure

**SOURCE:** American Federation of State, County and Municipal Employees

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**DIGEST:** This bill specifies that the five-year maximum limit on licensure waivers for persons practicing as a mental health professional in governmental settings while obtaining supervised experience begins from the start of employment in a position that includes qualifying experience towards licensure.

**ANALYSIS:**

Existing law:

- 1) Licenses and regulates psychologists through the Board of Psychology, and licenses and regulates marriage and family therapists (MFTs), licensed clinical social workers (LCSWs), and licensed professional clinical counselors (LPCCs) through the Board of Behavioral Sciences (collectively, BBS health professionals). Prohibits persons from engaging in the practice of psychology or BBS health professions, or representing themselves as a psychologist or a BBS health professional, without a license, except as specified. [BPC §2900 et seq., §4980 et seq., §4991 et seq., §4999.10 et seq.,]

- 2) Requires applicants for licensure as a psychologist to have engaged for at least two years in a supervised professional experience under the direction of a licensed psychologist. [BPC §2914(d)]
- 3) Requires applicants for licensure as a BBS health professional to have specified hours of supervised experience, including two years for an MFT, and 3,000 hours for an LCSW and an LPCC. [BPC §4980.40, §4980.43, §4996.23]
- 4) Requires, in the Health and Safety Code, the Penal Code, and the Welfare and Institutions Code, with certain exceptions, professional health care personnel in state and other governmental health facilities, in correctional facilities, and in county mental health organizations, to meet all required licensure requirements. [HSC §1277(b), PEN §5068.5(a), WIC §5751.2(a)]
- 5) Permits the requirements in 4) above to be waived by the Department of Public Health for persons in the professions of psychology or BBS health professions, working in state health facilities, who are gaining qualifying experience for licensure in this state. Limits the length of a waiver issued pursuant to this provision of law to a maximum of five years. [HSC §1277(b)(3)]
- 6) Permits the requirements in 4) above to be waived by the Department of Corrections and Rehabilitation (CDCR) for persons working in correctional facilities in the professions of psychology or clinical social work. Limits the length of a waiver to a maximum of five years. [PEN §5068.5(c)]
- 7) Permits the requirements in 4) above to be waived by the Department of Health Care Services for persons employed as psychologists and BBS professionals to provide mental health services for purposes of county community mental health services. In the case of psychologists, this waiver is limited to a maximum of five years. [WIC §5751.2(c)]

This bill:

- 1) Specifies that the five-year maximum limit on licensure waivers for persons practicing psychology or the BBS professions in state and other governmental health facilities, in correctional facilities, and in county mental health organizations, starts from the commencement of employment in a position that includes qualifying experience.
- 2) Defines “qualifying experience” as experience that satisfies the supervised experience requirements for licensure as a BBS professional or psychologist, for purposes of provisions of law granting waivers from licensure while persons in the BBS professions and the profession of psychology practice in state and

other governmental health facilities, in correctional facilities, and in county mental health organizations.

## **Background**

State law generally requires mental health services provided by the state and local government to follow the same professional licensing requirements as those in the private sector. However, state law permits unlicensed persons who are doing their required supervised experience in order to apply for licensure as a mental health professional to be hired as a mental health professional under a time-limited waiver while they are completing the required supervised experience. The law generally limits this waiver to four years, with an extension of one additional year based on extenuating circumstances, at which time the person needed to complete licensure or could no longer continue working as a mental health professional for the state or local government entity. According to the the sponsor of this bill, since the fall of 2019, a growing number of psychologists and clinical social workers hired into the CDCR have been issued “non-punitive termination notices” due to a change in how CDCR calculated time for the purpose of the waiver. The sponsor and author argue this highlights the need for consistency across employers and licensing boards about how experience for licensure is defined and calculated. This bill specifies that the time period for the waiver begins when they were hired as a mental health professional and started obtaining supervised experience, as opposed to any time they may have been employed by the state in a different capacity.

## **Comments**

*Author’s statement.* According to the author, this bill clarifies what constitutes as qualifying experience within applicable sections of the Health and Safety Code, the Penal Code, and the Welfare and Institutions Code for psychologists, MFTs, clinical social workers, and professional clinical counselors. This bill will provide consistency not only for professionals providing mental health services, but also for the state agencies regarding qualifying experience and the exemptions these employees are granted under these statutes. Mental health services are critical to the success of correctional and rehabilitative programs. Under this bill, employees striving toward licensure while gaining qualified experience would be able to both work and gain qualifying experience in order to obtain professional licensure that can benefit the department.

## **Related/Prior Legislation**

AB 1456 (Low, Chapter 151, Statutes of 2017) extended the ability for persons to practice psychology without a license in government-related settings, while

obtaining required supervised experience, from three to five years, thereby conforming the license waiver provisions to the five year limitation for other mental health professionals such as clinical social workers and MFTs.

AB 705 (Eggman, Chapter 218, Statutes of 2015) updated the Psychology Licensing Law to require employees in exempt settings be supervised by a licensed psychologist and become licensed within five years of practice, and made technical and clarifying changes.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 8/3/20)

American Federation of State, County and Municipal Employees (source)  
Board of Behavioral Sciences  
California Board of Psychology  
California Psychological Association  
National Association of Social Workers, California Chapter

**OPPOSITION:** (Verified 8/3/20)

None received

**ARGUMENTS IN SUPPORT:** This bill is sponsored by the American Federation of State, County and Municipal Employees (AFSCME), which states that this bill allows employees striving towards professional licensure to work and gain requisite qualifying experience. In addition, this bill provides psychology, MFT, clinical social work, and clinical counseling professionals with the job security necessary to carry out the critical work they have invested in, and provides for a more stable workforce without clusters of layoffs in classifications that historically experience vacancies. AFSCME argues that the pending terminations during this COVID-19 crisis are particularly concerning since these health professionals are “essential employees” who are providing necessary services during this time.

**ASSEMBLY FLOOR:** 76-0, 6/8/20

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte,

O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas,  
Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone,  
Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon  
NO VOTE RECORDED: Low, Muratsuchi, Quirk

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111  
8/5/20 12:01:39

**\*\*\*\* END \*\*\*\***