STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY PETE WILSON, GOVERNOR

DEPARTMENT OF MENTAL HEALTH
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DMH INFORMATION NOTICE NO.: 96-02

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: LICENSURE WAIVER -- CHANGES

REFERENCE: Welfare and Institutions Code (WIC), Section 5751.2 (c), (d), and (e) as amended by Chapter 712, Statutes of 1995 (Senate Bill 227)

Effective January 1, 1996, Senate Bill 227 (Chapter 712, Statutes of 1995) changed requirements for licensure waivers for psychologists, clinical social workers, and marriage, family, and child counselors who are not yet licensed and who are employed, or under contract with local mental health programs, in a position that requires a license. A summary of the changes affecting the requirements for licensure waivers is listed below:

LICENSED CLINICAL SOCIAL WORKERs (LCSWs) AND MARRIAGE, FAMILY, AND CHILD COUNSELORs (MFCCs) - WIC Section 5751.2(c)

The former law contained maximum time periods for which the Department of Mental Health (DMH) was authorized to grant a waiver of the requirement for licensure for persons gaining qualifying experience in the above named professions.

The current law (Chapter 712, Statutes of 1995) provides that persons employed by local mental health programs or their contract providers as LCSWs or MFCCs and who are registered with the licensing board of jurisdiction for the purpose of acquiring experience for licensure in these professions, shall be exempt from licensure, except that registration would be subject to all terms, conditions, and durational limits established by the appropriate licensing board. Local mental health programs will no longer be required to submit a waiver request for these classifications to the DMH.

PSYCHOLOGISTs - WIC Section 5751.1 (d)

The former law required that an unlicensed person with a doctorate degree who was employed as a psychologist by a local mental health program, or its contract provider, must have a waiver granted by the DMH which shall not exceed two years from commencement of employment in a position requiring a license. A one-year extension was granted based on extenuating circumstances for a full-time employee, and a proportionately greater extension was granted in the case of a part-time employee, but was not to exceed five years.

The current law (Chapter 712, Statutes of 1995) provides that a waiver granted under this subdivision may not exceed five years from the date of employment by, or contract with, a local mental health program for persons in the profession of psychology. This provision of the law eliminated the necessity for local mental health programs to request an extension of waiver from the DMH. Local mental health programs will continue to submit waiver requests to DMH for psychologists. There is no licensing board registration procedure for psychologists who are gaining experience for the purpose of licensure.

OUT-OF-STATE RECRUITMENT -- WAIVER PERIOD FOR LICENSED OUT-OF-STATE PSYCHOLOGISTs, LCSWs, AND MFCCs - WIC Section 5751.1(e)

The former law allowed that a waiver not to exceed two years could be granted by the DMH for persons recruited out-of-state in the above named professions who have experience sufficient to gain admission to a licensing examination.

The current law (Chapter 712, Statutes of 1995) provides that the DMH shall grant a waiver not to exceed three years from the date of employment by, or contract with, a local mental health program, for persons recruited from outside this state as psychologists, LCSWs, and MFCCs.

The new law applies to local mental health programs and local mental health contractors only. DMH Medi-Cal Oversight review staff will continue to verify that staff in positions requiring a license are licensed, granted a waiver, or registered, as required in the course of the provider certification process or quality improvement reviews. Questions regarding these changes can be directed to either Northern Medi-Cal Oversight at (916) 654-5751 or Southern Medi-Cal Oversight at (310) 868-2273.

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Director