

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

HEARING DATE: May 20, 2004

**SUBJECT MATTER OF PROPOSED REGULATIONS: RESTRUCTURING MARRIAGE AND
FAMILY THERAPIST AND LICENSED
CLINICAL SOCIAL WORKER
EXAMINATION PROCESS**

**SECTIONS AFFECTED: Sections 1815, 1816.2, 1816.3, 1829, 1833.3, 1877
of Division 18 of Title 16 of the California Code of Regulations**

BACKGROUND

Business and Professions Code Section 139 requires that the Board of Behavioral Sciences (Board) follow the policy of the Department of Consumer Affairs (DCA) for examination validation. The objective of this policy is to establish guidelines for the development and administration of job-related examinations. The DCA has established the Office of Examination Resources (OER) as the designated office to oversee these functions including providing services for examination development, occupational analysis, standard setting, and program review and evaluation. With advancements in technology, the OER provided data to the Board that supported the fact that clinical skills currently tested in the oral examination could be tested in a written format. These changes would allow candidates the opportunity to participate in the required examinations on a continuous basis instead of having to wait for an administration of an oral examination. In addition, this would benefit the Board and candidates by no longer requiring the Board to administer a lengthy, expensive oral examination and no longer assessing the candidate a \$200.00 fee for the examination.

Earlier this year, the Little Hoover Commission contacted the Board and expressed concern about shortages in mental health professionals and the ability for a candidate to get licensed in a timely manner. In addition, recent findings from a series of hearings before the California Assembly Human Services Committee acknowledged the social worker shortage in California and identified strategies for expanding the pool of social workers in California, including the recommendation to support legislation to eliminate the Board's oral exam. In response to these concerns, the Legislature enacted SB 363, which effective, January 1, 2004, revises Business and Professions Code Sections 4980.40 and 4996.1 to permit the Board the option of testing competency through administration of purely written examinations. On November 13, 2003, the Board voted to replace its oral examination with a written clinical vignette examination for both Licensed Clinical Social Workers (LCSW) and Marriage and Family Therapists (MFT) via emergency regulations.

The Board has made a preliminary assessment and fiscal impact estimate in light of Executive Order S-02-03 and determined that adoption of these regulations would create the following beneficial fiscal and administrative impacts for businesses who hire licensed mental health professionals, consumers, and the State: (1) a cost savings to the Board of over \$200,000, (2) a 50% reduction in examination fees for applicants, and (3) continuous testing, allowing applicants to take the final part of the written examination within a few weeks after passing the first part of the written examination for a maximum

of two times per year.

Without these regulations, the Board will be faced with significant costs in the area of over \$200,000, delays in administration and implementation of its examinations for up to one year, and the prevention of applicants from taking or re-taking the examination for up to one year. These professions service child protective services, mental health units in hospitals and prisons, as well as provide numerous services to the mentally ill. Therefore, any delay in implementing the LCSW and MFT written examinations would severely impact these agencies and other businesses that must hire licensed mental health professionals, decrease the availability of minimally competent mental health professionals in California and add additional fiscal hardships and barriers to individuals seeking licensure in these professions.

SPECIFIC PURPOSE OF THE REGULATIONS AND FACTUAL BASIS FOR DETERMINING THAT REGULATIONS ARE NECESSARY

SECTION 1815

Specific Purpose

This section is repealed to remove language that relates to the oral examination appeals process.

Factual Basis

This section is no longer necessary since the Board made the decision on November 13, 2003 to replace the oral examination with a written clinical vignette examination. This decision was based on documentation provided by OER indicating that research has shown that multiple-choice questions, when properly developed, can measure higher-order cognitive processing than the basic cognitive processing associated with recall and comprehension. In addition, research has also shown that simulation or vignette-style multiple-choice questions can measure complex, higher-level cognitive skills. The clinical vignette multiple-choice questions were developed as an alternative method of measuring the critical knowledge and skills associated with the entry-level LCSW and MFT practice.

SECTION 1816.2

Specific Purpose

The purpose of the amendments to this section are to replace the license title of “marriage, family and child counselor” with “marriage and family therapist”, clearly define the examination and re-examination fees for the MFT and LCSW standard written examination and the written clinical vignette examination, and eliminate the reference to the fees for the MFT and LCSW oral examination and re-examination.

Factual Basis

Business and Profession Code Section 4980.08 was enacted on July 1, 1999, changing the license title from Marriage, Family, and Child Counselor to Marriage and Family Therapist. In addition, language included in Senate Bill 2026, effective January 1, 2003, replaced this license title throughout the laws that relate to licensure as a marriage and family therapist. Therefore, the proposed

amendment to the license title name reflects this change in statute. In addition, the Legislature enacted SB 363, which effective, January 1, 2004, revises Business and Professions Code Sections 4980.40 and 4996.1 to permit the Board the option of testing competency through administration of purely written examinations. Based on the Board's decision to replace the oral examination with a written clinical vignette examination, proposed amendments to this section eliminate the fees for the oral examination and re-examinations, include the word "standard" in the sections that relate to the current written examination and re-examination, and identify the written clinical vignette examination and re-examination fees. With this proposed change, the Board will no longer have to contract with hotels to accommodate the oral examinations and hire examiners and proctors to administer and oversee the examinations and the written examinations can now be administered through a testing company that contracts with the Board. As a result, the Board has determined that the fee charged to applicants for the written clinical vignette examination should be \$100.00, which benefits applicants for licensure by reducing their current examination fees by \$100.00.

SECTION 1816.3

Specific Purpose

The purposes of the amendments to this section are to replace the license title of "marriage, family and child counselor" with "marriage and family therapist" and remove the fees for the appeal of an LCSW or MFT oral examination.

Factual Basis

Business and Profession Code Section 4980.08 was enacted on July 1, 1999, changing the license title from Marriage, Family, and Child Counselor to Marriage and Family Therapist. In addition, language included in Senate Bill 2026, effective January 1, 2003, replaced this license title throughout the laws that relate to licensure as a marriage and family therapist. Therefore, the proposed amendment to the license title name reflects this change in statute. In addition, the Legislature enacted SB 363, which effective, January 1, 2004, revises Business and Professions Code Sections 4980.40 and 4996.1 to permit the Board the option of testing competency through administration of purely written examinations. Based on the Board's decision to replace the oral examination with a written clinical vignette examination, proposed amendments to this section are necessary to eliminate the fees associated with the appeal of oral examination results.

SECTION 1829

Specific Purpose

The specific purpose of the adoption of this section is to clearly indicate the testing areas within the MFT standard and clinical vignette written examinations.

Factual Basis

The Board is charged with ensuring that all persons involved in the licensure process successfully pass examinations that test for minimal competency. There are content areas that can be tested at a standard written examination level and those that are higher-level cognitive skills that can be tested by vignette style multiple-choice questions. As reported by OER, research has shown that multiple-

choice questions, when properly developed, can measure higher-order cognitive processing than the basic cognitive processing associated with recall and comprehension. In addition, research has also shown that simulation or vignette-style multiple-choice questions can measure complex, higher-level cognitive skills.

The proposed adoptions are necessary to provide clarification as to the testing areas within the standard written examination and the written clinical vignette examination.

SECTION 1833.3

Specific Purpose

The specific purposes of the proposed amendments are to delete reference to the terms “written or oral” examination and clarify that the reexamination timeframes apply to any MFT examination.

Factual Basis

The Legislature enacted SB 363, which effective, January 1, 2004, revised Business and Professions Code Sections 4980.40 and 4996.1 to permit the Board the option of testing competency through administration of purely written examinations. Based on the Board’s decision to replace the oral examination with a written clinical vignette examination, proposed amendments to this section are necessary to eliminate the reference to a “written or oral” and provide clarification as to the timeframes for eligibility in the MFT examination process.

SECTION 1877

Specific Purpose

The specific purposes of the amendments to this section are to remove references to the oral examination and clearly indicate the testing areas within the LCSW standard and clinical vignette written examinations.

Factual Basis

The Board is charged with ensuring that all persons involved in the licensure process successfully pass examinations that test for minimal competency. There are content areas that can be tested at a standard written examination level and those that are higher-level cognitive skills that can be tested by vignette style multiple-choice questions. As reported by OER, research has shown that multiple-choice questions, when properly developed, can measure higher-order cognitive processing than the basic cognitive processing associated with recall and comprehension. In addition, research has also shown that simulation or vignette-style multiple-choice questions can measure complex, higher-level cognitive skills.

The proposed adoptions are necessary to provide clarification as to the testing areas within the standard written examination and the written clinical vignette examination.

UNDERLYING DATA / MATERIALS RELIED UPON:

“Recommendations for Addressing California’s Shortage of Social Workers,” California Assembly Human Services Committee (November 2002), the November 13, 2003 Board Meeting Minutes, Letter from the Department of Consumer Affairs’ Office of Examination Resources to the Board, dated December 10, 2003.

BUSINESS IMPACT:

These regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

The proposed regulations do not mandate the use of specific technologies or equipment.

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 as and less burdensome to affected private persons than the proposed regulations.

Set forth below is the alternative, which was considered, and the reason the alternative was rejected:

Alternative #1:

Continue administering an oral examination at the current costs that can now be given in a written format at a cost savings to candidates for licensure and to the Board. This alternative was rejected since advanced technology allows the Board to test the required skill sets in a written format on a continuous basis and to continue testing in an oral format is not a beneficial alternative to those involved in the licensing process.