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To: Board Members **Date:** September 3, 2021
From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817
Subject: **Discussion and Possible Recommendations on Proposed Changes to Continuing Education Regulations**

The purpose of this agenda item is to consider additional text changes in the Board's regulations pertaining to both continuing education (CE) and "additional training" requirements. The originally proposed text was approved by the Board at its meeting in November 2019. Those changes would do all of the following:

- Update content requirements, and update/streamline the list of acceptable course providers for the training courses required to be completed by applicants for LMFT, LCSW and LPCC licensure, as well as Licensed Educational Psychologists renewing for the first time.
- Repeal regulations that were necessary during the transition of the CE program away from Board approval of individual CE providers.
- Allow a licensee to earn CE for completing a Board occupational analysis survey.
- Limit hours that can be earned by teaching CE
- Amend the requirements to qualify for a CE waiver.
- Clarify, update and make minor and technical changes to sections pertaining to CE and additional training.

The newly proposed changes (as detailed below) are in response to feedback from attorneys in the Department of Consumer Affairs Regulation Unit, as well as changes suggested by Board staff.

See **Attachment A** for a summary of current CE requirements for licensees.

Proposed Modifications to Board-Approved Changes

The prior Board-approved modifications to the text, as well as the newly proposed modifications are provided in **Attachment B**. In addition to technical and nonsubstantive changes, the newly proposed modifications would do all of the following:

1. **Section 1887(a):** Clarify that a CE course may be provided in person or online.

Note: This text was previously included when the board approved the last version of the language, but it was not shown in underline format in the meeting materials. It is now shown in double underlined text.

2. **Section 1887.1:** Update the section's title to more clearly reflect the content of the section.

3. **Section 1887.2 (Continuing Education Waivers):**

- Update the section's title to more clearly reflect the content of the section.
- Subsection (c)(1)(A)&(B): Clarify that documentation is required to substantiate the limits the disability placed on life activities. In addition, clarify the categories of earnings that count as earned income, and include a reference to the Social Security Act.
- Subsection (d): Require the licensee's family member to sign a written authorization for release of their protected health information when the licensee is requesting a waiver due to having been the family member's primary caregiver.

4. **Section 1887.3:**

- Subsection (c): Clarify that a course on law and ethics completed by a supervisor to fulfill supervisor training requirements will count toward the overall 36-hour CE requirement, even though it does not count toward the 6 hours of regular law and ethics required of all licensees each renewal cycle.
- Subsection (d): Move text from former subsection (f), and add language clarifying that the same course may not be claimed more than once "per license type." The same course may be counted toward more than one license held by the licensee if it applies to both scopes of practice (as is being clarified in subsection (c) of section 1887.1).
- Subsections (g) – (k): Specify that the Board "shall" credit CE to licensees for certain activities rather than "may." This will eliminate ambiguity about the board's discretion in crediting CE for these activities.
- Subsection (k): Clarify that in order for a licensee's participation in a professional organization's law and ethics review committee to be credited toward CE, it must be with a mental health professional organization.
- Subsection (l): Specify the types of documentation of completion necessary for the activities specified in subsections (g) through (k), and require the records to be retained for at least two years and provided to the board if the licensee were the subject of a CE audit.
- Minor clarifying changes.

5. **Section 1887.4.3:** Update the section's title to more clearly reflect the content of the section.

6. CE Waiver Application Forms:

A. LICENSEE APPLICATION (Form No. 37A-635):

Instructions Portion:

- Clarify that the verification of disability must be received with the request for CE waiver at least 60 days prior to the license expiration date.
- Add a section that clarifies who qualifies for a temporary CE waiver
- Add language emphasizing that a CE waiver is temporary.
- Clarify that Part 2 of the application must be completed if the request is based on the licensee's condition.
- Clarify that Part 3 of the application must be completed if the request is based on being the primary caregiver of an immediate family member.
- Add information and instructions regarding verification of the immediate family member's disability.
- Require the family member to sign an authorization to release protected health information to the board for the limited purpose of the CE waiver request.
- Update the Notice of Collection of Personal Information to address submission of the licensee's income and family member's authorization to release medical information, and to list the reasons for requiring such information. Also to clarify that a family member has a right of access to records containing their personal information maintained by the board.
- Minor clarifying changes.

Application Form:

- Add language below form title clarifying that the waiver request must be health-related.
- Clarify that the board must receive both the Licensee Application and Verification of Disability or Medical Condition within the specified time frame.
- Add language specifying that a copy of the family member's authorization to release protected health information shall be attached (Part 3, question 6).
- Minor clarifying changes.

B. VERIFICATION OF DISABILITY FORM (Form No. 37A-636):

- Specify that this form must be received with the Licensee Request for CE Waiver and to allow 30 days for processing.
- Add a signature block for the attending physician/psychologist to Part 2 of the form.

- Rewrite question 3 of Part 3 to clarify that the family member had been unable to work as a result of the condition.
- Add question 7 to Part 3, consisting of a written authorization for the release of the family member's protected health information to the board for the limited purpose of the waiver application, to be signed by the family member.
- Add a Notice of Collection of Personal Information.
- Minor clarifying changes.

Possible Issue: "Additional Training" Providers

The following training topics currently required of applicants are listed in different sections of the regulations as they were added into law at different times. The training providers allowed vary somewhat between each course, and this inconsistency creates confusion for applicants. The training topics with differences in allowed course providers are:

- Human Sexuality (section 1807)
- Child Abuse Assessment and Reporting (section 1807.2)
- Alcoholism and Chemical Substance Dependency (section 1810, renumbered to 1807.3)
- California Law and Ethics for out-of-state applicants (section 1810.1)
- Crisis/Trauma Counseling for LPCC applicants (section 1810.2)

Most applicants obtain all of the above training through their degree program (with the exception of the California Law and Ethics for out-of-state applicants). Of the applicants who do not meet these requirements within their degree, the vast majority take a course from board-accepted CE provider.

The original board-approved text as shown in Attachment B streamlined and made consistent the allowed providers for each of the above topics into one section (1810.5). This resulted in eliminating the following two types of providers for the child abuse and alcoholism/substance dependency training:

- Licensed health facilities (unless a board-accepted CE provider).
- Governmental agencies (unless a department of health or mental health OR a board-accepted CE provider).

This brings up several questions for the Board's consideration:

Should the list of acceptable "additional training" providers be further condensed simply into "board-accepted CE providers" (accredited or approved postsecondary institutions, CE providers approved by a board-recognized approval agency, and board-recognized professional associations)? Or, should government departments of health and mental health remain on the list? Should licensed health facilities be added back onto the list?

Recommendation

Approve the proposed text and initiate a 45-day public comment period. Additionally, if no adverse comments are received during the public comment period, or if any adverse comments received are irrelevant to the regulation text, delegate to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

Attachments

Attachment A: CE Brochure (explains current CE requirements)

Attachment B: Proposed Regulatory Language

Attachment C: Licensee CE Waiver Application

Attachment D: Verification of Disability or Medical Condition Form

Attachment E: Substantial Gainful Activity Information from the Social Security Administration

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HOURS REQUIRED FOR RENEWAL

36 hours of continuing education (CE) are required during each two (2)-year license renewal period.

Newly licensed individuals must complete only 18 hours of CE prior to their first renewal (a newly licensed LEP may be required to complete more hours due to specific course requirements).

You must have your CE completed BEFORE submitting your renewal application. Courses may be credited to only one renewal period, and cannot be counted twice.

Failure to comply with all CE requirements may result in a citation and fine and/or disciplinary action against your license.

CE EXCEPTIONS

The following individuals are NOT required to complete CE for license renewal:

- Your license status is “Inactive” or “Retired.”
- You were granted an exception by the Board prior to your license’s expiration date. The Board may only grant an exception if a licensee meets the specific, limited criteria set forth in law.

For information on obtaining an exception, please see the [Request for Continuing Education Exception](#) form on the BBS website.

MANDATORY COURSES

Law and Ethics: *ALL licensees are required to complete at least six (6) hours of CE in Law and Ethics as a condition of each and every renewal.* These hours count toward the total 36 (or 18) hour requirement.

Each license type has additional, **one-time** mandatory courses that must be completed. For specific information on these requirements, see the Board’s [CE chart](#).

COURSE TYPES AND CONTENT

The Board does not approve specific CE courses, and has no information about individual courses offered by providers.

Providers are required to ensure that the content of a course is relevant to the scope of practice for your license. Self-improvement courses and courses designed for non-practitioners are not acceptable.

To ensure that a course will count toward your CE requirements, you must ensure the provider is acceptable and maintain records of course completion.

Licensees may obtain all CE hours through interactive, electronic means. This includes online, teleconferencing and video.

ACCEPTABLE PROVIDERS

CE must be taken from one of the acceptable providers listed below; otherwise the course will not count toward your renewal requirements.

- Regionally accredited college;
- College approved by the CA Bureau for Private Postsecondary Education;
- Board-recognized approval agency as provided in [Title 16, California Code of Regulations section 1887.4.1\(a\)](#);
- A provider who has been approved by a [Board-recognized approval agency](#); OR
- An organization, institution, association or entity that is recognized by the Board as a CE provider, as provided in [Title 16, California Code of Regulations section 1887.4.3\(a\)\(3\)](#).

Provider Complaints

You should first contact the provider of the course to resolve your concerns. If you are not satisfied with the outcome, contact the provider’s approval agency and/or send your complaint in writing to the Board. Include the course name, date, location, the names of the instructor and provider, and specifics about your complaint.

ALTERNATIVE WAYS TO EARN CE

Teaching

You may claim CE credit for teaching a course if the course meets all other CE requirements. You can claim the same amount of hours as an attendee. You may claim credit for teaching a course once during a single renewal period.

BBS Enforcement Case Review

Effective July 1, 2015, if you serve as an expert consultant for the Board's Expert Witness Program, you may be awarded up to six (6) hours of Law and Ethics CE course credit. See the BBS website to apply.

Serve as a BBS Subject Matter Expert

Effective July 1, 2015, if you serve as a SME for exam development, you may be awarded up to six (6) hours of Law and Ethics CE course credit. See the BBS website to apply.

Participate in a Professional Law and Ethics Review Committee

Effective July 1, 2015, if you participate in a professional organization's law and ethics review committee, you may be awarded up to six (6) hours of Law & Ethics CE course credit.

MISCELLANEOUS INFORMATION

Course Hours

1 hour of instruction = 1 CE hour
1 semester unit = 15 CE hours
1 quarter unit = 10 CE hours

Double Counting Hours

If you have more than one license with the BBS, you may apply CE hours to both IF the subject matter relates to both scopes of practice. CE earned for other licenses may be applied to your BBS-issued license if the provider is acceptable and the subject matter

relates to your license's scope of practice. If you are a supervisor of a Board registrant, you may count your supervisor training hours if the training was taken from an acceptable CE provider.

Record Keeping

You must maintain documentation of completed CE courses (certificates, transcripts, etc.) for at least two (2) years after the license renewal period during which you took the courses. DO NOT submit your course certificates with your renewal. The Board will not retain them.

The Board does not manage or track CE courses for licensees. Providers do not submit certificates to the Board. If a certificate has been misplaced, you must contact the CE provider for a replacement.

CE Audits

The Board may audit your records to verify completion of CE. If you are selected for audit, you will be notified in writing and required to submit documentation of courses (or alternative CE methods) completed. If audited, a prompt response is important.

Failure to comply with CE requirements may result in a citation and fine and/or disciplinary action against your license.

Laws Referenced:

Business and Professions Code sections 4980.54, 4980.57, 4980.395, 4984.41, 4984.8, 4996.22, 4996.26, 4997, 4997.1, 4999.20, 4999.76, 4999.112 and 4999.113

Title 16, California Code of Regulations sections 1807.2, 1810, 1820.7, 1821, 1833.1, 1870 and 1887 through 1887.15

**LCSW
LEP
LMFT &
LPCC**



Continuing Education Information



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Attachment B
Proposed Changes to Additional Training and
Continuing Education Regulations
California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 18. Board of Behavioral Sciences

Prior Board-approved proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Newly proposed modifications to the proposed regulatory language are shown in double underline for new text and ~~underline with strikethrough~~ or ~~double strikethrough~~ for newly proposed deletions.

AMEND § 1807. Human Sexuality Training.

The human sexuality training required of marriage and family therapists, clinical social workers, and professional clinical counselors by ~~Sections~~ sections 25, 4980.41, 4980.81, 4996.2, ~~4996.17~~, 4996.17.2, and 4999.32 and 4999.62 of the Code shall do both of the following:

- (a) Consist of a minimum of ten (10) hours of training or coursework.
- (b) Include the study of ~~physiological-psychological~~ physiological, psychological and social-cultural variables associated with sexual behavior, sexual dysfunctions, sexual orientation, gender identity, ~~sexual behavior or sexual disorders~~ and gender dysphoria.
- (c) ~~Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:~~
 - (1) ~~An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or~~
 - (2) ~~An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - (3) ~~A continuing education provider approved by the board; or~~
 - (4) ~~A course sponsored by a professional association; or~~
 - (5) ~~A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 25, 4980.41, 4980.81, ~~4980.54~~, 4996.2, 4996.17.2, ~~4996.22~~ and 4999.32, and ~~4999.62 and 4999.63~~, Business and Professions Code.

AMEND § 1807.2. Child Abuse Assessment and Reporting Training Requirements.

~~In addition to all other requirements for licensure, all~~ All persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor ~~counselor, or applying for first-time renewal of a license as an educational psychologist~~ psychologist, shall ~~shall~~ in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and ~~reporting~~ reporting, and shall submit documentation to the board. The coursework or training ~~in child abuse assessment and reporting~~ shall consist of not less than ~~7~~ seven (7) classroom hours and shall include training in each of the subject areas described in ~~Section~~ section 28 of the Code. The coursework or training shall be:

~~(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education; or~~

~~(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or~~

~~(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or~~

~~(d) Obtained from a continuing education provider approved by the board.~~

~~(e) Completed after January 1, 1983~~ have been completed within the five (5) years prior to the date the Board board receives the individual's application for licensure or renewal.

~~(f) A licensed educational psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2012.~~

Note: Authority cited: Sections 28, 4980.60, ~~4989.34~~ and 4990.20, Business and Professions Code. Reference: Sections 28, 4980.36, 4980.41, ~~4980.54~~, 4980.72, 4980.78, 4980.81, 4989.34, 4996.2, 4996.17.1, 4996.17.2, ~~4996.22~~, and 4999.32 and 4999.33, Business and Professions Code; and Sections 11164, 11165 and 11166, Penal Code.

AMEND AND RENUMBER § ~~1810~~ 1807.3. Alcoholism and Other Chemical Substance Dependency Training.

(a) The instruction and training in alcoholism and other chemical substance dependency required by ~~Sections~~ sections 4980.41, 4980.80, ~~4980.90~~, 4996.2, ~~4996.17~~ 4996.17.2, and 4999.32 of the Code shall consist of not less than fifteen (15) hours of classroom training or coursework and shall include each of the following areas:

(1) The definition of alcoholism, substance abuse, and other chemical dependency, and the evaluation of the ~~abuser~~ client.

(2) Medical aspects of alcoholism, substance abuse, and other chemical dependency.

(3) Current theories of the etiology of substance abuse.

- (4) The role of persons and systems that support or compound the abuse.
- (5) Major treatment approaches to alcoholism, substance abuse, and chemical dependency.
- (6) Legal aspects of substance abuse.
- (7) Knowledge of certain populations at risk with regard to substance abuse.
- (8) Community resources offering assessment, treatment and follow-up for the abuser client and family.
- (9) The process of referring affected persons.
- (10) ~~Education concerning and prevention~~ Prevention of substance abuse.

~~(b) For persons subject to Section 4980.41(d) of the Code, the training or coursework shall be:~~

~~(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832 of these regulations or is approved by the Bureau for Private Postsecondary Education, pursuant to Sections 94802 and 94887 of the Education Code;~~

~~(c) For all others, the training or coursework shall be:~~

~~(1) Obtained from the educational institutions identified in subsection (b) (1); or~~

~~(2) Obtained from or sponsored by a local, county, state or federal governmental entity; or~~

~~(3) Obtained from a licensed health facility; or~~

~~(4) Obtained from a continuing education provider approved by the board.~~

~~(b) (d) A licensed educational psychologist that renews~~ applying for a first-time license renewal of his or her license on or after January 1, 2012 shall receive ~~have received~~ not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency as described in subsections (a) and (b) subsection (a). ~~that shall include classroom training or coursework in each of the following areas:~~

~~(1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.~~

~~(2) Medical aspects of alcoholism and other chemical dependency.~~

~~(3) Current theories of the etiology of substance abuse.~~

~~(4) The role of persons and systems that support or compound the abuse.~~

~~(5) Major treatment approaches to alcoholism and chemical dependency.~~

~~(6) Legal aspects of substance abuse.~~

~~(7) Knowledge of certain populations at risk with regard to substance abuse.~~

~~(8) Community resources offering assessment, treatment and follow-up for the abuser and family.~~

~~(9) The process of referring affected persons.~~

~~(10) Education concerning and prevention of substance abuse.~~

~~(e) Training and coursework received pursuant to subsection (d) of this section shall be~~

~~obtained as provided in subsection (c) of this section.~~

Note: Authority cited: Sections 4980.60, ~~4989.34~~ and 4990.20, Business and Professions Code. Reference: Sections 4980.41, ~~4980.80~~, 4980.81, ~~4980.90~~, 4989.34, 4996.2, ~~4996.17~~ 4996.17.2 and 4999.32, Business and Professions Code.

~~REPEAL § 1810.1. California Law and Ethics Training; Acceptable Education Providers.~~

~~The California law and ethics training required of professional clinical counselors and out-of-state marriage and family therapist applicants required by Sections 4980.80 and 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
- ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
 - ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - ~~(3) A continuing education provider approved by the board; or~~
 - ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections ~~4980.80~~ and 4999.32, Business and Professions Code.

~~REPEAL § 1810.2. Crisis or Trauma Counseling Training.~~

~~The crisis or trauma counseling training required by Sections 4999.32 of the Code shall:~~

- ~~(a) Have been obtained from one of the educational institutions or entities specified herein:~~
- ~~(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,~~
 - ~~(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94802 and 94887 of the Education Code, including extension courses offered by such institutions; or~~
 - ~~(3) A continuing education provider approved by the board; or~~
 - ~~(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.~~

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.32, Business and Professions Code.

ADD § 1810.5. Acceptable Training Providers.

- (a) The training courses listed below shall have been obtained from one of the providers listed in subsection (b):

- (1) Human sexuality training required by section 1807.
- (2) Child abuse assessment and reporting training required by section 1807.2.
- (3) Alcoholism and other chemical substance dependency training required by section 1807.3.
- (4) California law and ethics training required of out-of-state marriage and family therapist, clinical social worker, and professional clinical counselor applicants required by sections 4980.78, 4980.79, 4996.17, 4999.62 and 4999.63 4980.72, 4980.78, 4980.81, 4996.17.1, 4996.17.2, 4999.60 and 4999.62 of the Code.
- (5) Crisis or trauma counseling training required by section 4999.32 of the Code.

(b) The above training courses shall have been obtained from any of the following providers:

- (1) An educational institution accredited a regional or national institutional accrediting agency that is recognized by the United States Department of Education, including extension courses offered by such institutions.
- (2) An educational institution approved by the Bureau for Private Postsecondary Education, including extension courses offered by such institutions.
- (3) A continuing education provider accepted by the board pursuant to section 1887.4.3.
- (4) A course sponsored, offered, or approved by a professional association or a state, county, or local department of health or mental health.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 25, 28, 32, 4980.36, 4980.41, 4980.54, 4980.72, 4980.78, 4980.81, 4989.34, 4996.2, 4996.17.1, 4996.17.2, 4999.32, 4999.33, 4999.60 and 4999.62 and 4999.63, Business and Professions Code; and Sections 11165 and 11166, Penal Code.

AMEND § 1887. Definitions.

As used in this article:

- (a) A continuing education "course" means a form of systematic learning at least one hour in ~~length~~ length, provided in person or online. This may include including, but is not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, or viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another ~~location~~ location, that has have been verified and approved by the continuing education provider.
- (b) A "provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- ~~(c) An "initial renewal period" means the period from issuance of an initial license to the~~

~~license's first expiration date.~~

~~(c)(d)~~ A "renewal period" means the two-year period that spans from the ~~effective date of the license~~ first day after the license's prior expiration date to the current license expiration date.

~~(d)(e)~~ An "approval agency" means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the board's continuing education requirements ~~of the board~~, and monitors the quality of each approved continuing education course.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and ~~4999.76~~ 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.1. Continuing Education Requirements and License Renewal Requirements.

(a) Except as provided in ~~Section~~ section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in ~~Sections~~ sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under ~~Sections~~ sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

(c) Individuals who hold dual licensure with the Board may apply the same continuing education course to both licenses if the subject matter of the course relates to each license's scope of practice.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 and ~~4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4982, 4989.34, 4989.54, 4992.3, 4996.22, 4999.76 and 4999.90, Business and Professions Code.

AMEND § 1887.2. Exceptions from Temporary Waivers of and Exemptions from Continuing Education Requirements.

~~(a) A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education prior to his or her first license renewal.~~

~~(b)~~ (a) A licensee is exempt from the continuing education requirement if ~~his or her the~~ license is inactive pursuant to ~~Sections~~ sections 4984.8, 4989.44, 4997 or 4999.112 of the

Code, or retired pursuant to section 4984.41, 4989.45, 4997.1 or 4999.113 of the Code.

~~(e)-(b)~~ A licensee may submit a written request for exception a temporary waiver from, or ~~reasonable accommodation for,~~ the continuing education requirement, requirement for the ~~licensee's current renewal period, for any of the reasons listed in subsection (c) below.~~ The request shall be on a form entitled "Request for Temporary Continuing Education ~~(CE) Exception Waiver – Licensee Application,~~" Form No. 1800 37A-635 (Rev 03/10 Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by ~~reference~~ reference, for any of the reasons listed below. The request must be submitted to the board in writing at least sixty (60) days prior to the license expiration date. ~~The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.~~

~~(c)-(1)~~ The board shall grant an exception a temporary waiver of continuing education if the licensee can provide evidence, ~~satisfactory to the board~~ as specified in subsections (d) and (e) below, that one of the following occurred:

~~(A)~~ For at least one year during the licensee's previous license renewal period the licensee was absent from California due to his or her military service; or

~~(B)~~ For at least one year during the licensee's previous license renewal period the licensee resided in another country;

~~(A)(1)(2)~~ The board may grant a reasonable accommodation if, ~~for~~ For at least one year during the licensee's ~~previous~~ current license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code that did both of the following:

~~(i)-(A)~~ Substantially limited one or more life activities as verified by the documentation required in subsection (d), and

~~(ii)-(B)~~ Caused the licensee's earned income, whether earned as an employee, independent contractor or while self-employed, to drop below the substantial gainful activity amount for non-blind individuals during that year, as defined set forth by the Social Security Administration per section 404.1574(b)(2) of the Social Security Act.

~~(B)(2)~~ For at least one year during the licensee's current license renewal period, the

licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A “total physical or mental disability” means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation, eating, bathing, or dressing.

(2)(d) The licensee’s or immediate family member’s physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Temporary Continuing Education (CE) Exception Waiver – Verification of Disability or Medical Condition,” Form No. 4800 37A-636 (New 03/10 Revised [date to be determined by OAL upon approval of regulations]), hereby incorporated by reference. Form No. 37A-636 must include an attached copy of the family member’s written authorization for release of their protected health information for the limited purpose of the licensee’s request for a temporary waiver of continuing education when the licensee is the family member’s primary caregiver.

(3)(e) A licensee shall provide proof of all income earned from work activity during the one-year period of the licensee’s disability. If the licensee did not earn any income, the licensee shall provide proof of receiving disability payments, or provide other evidence demonstrating that the licensee did not earn any income from work activity.

(e)(f) The board will notify the licensee whether or not the waiver is granted within thirty (30) days after the request is received. If the request for waiver is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal, if renewing in an active status. If the request for waiver is approved, it shall be valid for the current renewal period only.

(e)(g) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in law and ethics required by section 1887.3.

Note: Authority cited: Sections 4980.54, 4980.60, 4989.34, and 4990.20(a), 4996.22 and 4999.76, Business and Professions Code; and Sections 12926 and 12944, Government Code. Reference: Sections 4980.54, 4984.8, 4984.41, 4989.34, 4989.44, 4989.45, 4996.22, 4997, 4997.1, 4999.11, and 4999.76, 4999.76, 4999.112 and 4999.113, Business and Professions Code; and Sections 12926 and 12944, Government Code.

AMEND § 1887.3. Continuing Education Course Requirements and Credit for Specified Activities.

(a) During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in ~~Section~~ section 1887.4.0.

~~(b) Marriage and family therapists and clinical social workers who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.~~

(e)(b) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of ~~Section~~ section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d)(c) Any person renewing ~~his or her~~ a license shall complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement. A course on law and ethics that is designed to meet supervisor training requirements pursuant to Article 3, 4 or 6 shall not be accepted toward meeting this requirement. A course on law and ethics completed by a supervisor in order to fulfill the supervisor training requirement pursuant to Article 3, 4 or 6 shall not be accepted toward meeting the minimum six (6) hours of law and ethics training, but shall count toward the 36-hour continuing education requirement.

(d) A licensee may not claim the same course more than once per license type during a single renewal period for hours of continuing education credit.

(e) If a licensee teaches a course provided by a board-accepted provider, the licensee may claim credit for the course ~~only one time during a single renewal period~~, receiving the same amount of hours of continuing education credit as a licensee who attended the course. The licensee may only claim the course one time during a single renewal period. A maximum of 18 hours of continuing education may be met by teaching courses during each a single renewal period.

~~(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.~~

~~(g)~~(f) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

~~(h)~~(g) A licensee who attends ~~the board~~ a Board of Behavioral Sciences enforcement case review training ~~may~~ shall be ~~awarded~~ credited with up to six (6) hours of continuing education in the renewal cycle ~~in~~ during which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.

~~(i)~~(h) A licensee who acts as a ~~board~~ Board of Behavioral Sciences subject matter expert (SME) for an enforcement case review ~~may~~ shall be ~~awarded~~ credited with six (6) hours of continuing education in the renewal cycle ~~in~~ during which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.

~~(j)~~(i) A licensee who participates in a ~~board~~ Board of Behavioral Sciences examination development workshop ~~may~~ shall be ~~awarded~~ credited with six (6) hours of continuing education in the renewal cycle ~~in~~ during which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.

(j) A licensee who completes a ~~board~~ Board of Behavioral Sciences occupational analysis survey in full ~~may~~ shall be credited with six (6) hours of continuing education for the renewal cycle ~~in~~ during which the survey was completed.

(k) A licensee who participates in a mental health professional organization's law and ethics review committee ~~may~~ shall be ~~awarded~~ credited with up to six (6) hours of continuing education in the renewal cycle ~~in~~ during which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement.

(l) Documentation of completion for the activities specified in subsections (g) through (j) shall consist of a letter or certificate issued by the board. For subsection (k), documentation of completion shall consist of a letter or certificate from the professional organization. Licensees shall maintain records of completed activities for a minimum of two years and

shall make these records available to the board for auditing purposes upon request.

Note: Authority cited: Sections 4980.60, 4989.34, and 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

REPEAL § 1887.4. Continuing Education Course Content.

~~This section shall be applicable only to continuing education providers who hold an active board issued continuing education provider number.~~

~~(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, 4989.34 4996.22, and 4999.76 of the Code. The content of a course shall also be related to direct or indirect patient/client care.~~

~~(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).~~

~~(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).~~

~~(b) A provider shall ensure that a course has specific objectives that are measurable.~~

~~(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

AMEND § 1887.4.0. Continuing Education Course Content.

(a) Courses shall meet the requirements, ~~relevant to each practice, as set forth in Sections~~ sections 4980.54, 4989.34, 4996.22 and 4999.76 of the Code.

(b) The content of the course shall be based upon a methodological, theoretical, research, or practice knowledge base, and; be:

(1) Relevant to the profession's scope of practice;

(2) Supported by evidence-based practice;

(3) Consistent with the profession's current standards of care;

(4) Consistent with the profession's ethical, legal, statutory and regulatory standards; and,

(5) Do one or both of the following:

~~(1)(A) demonstrate~~ Demonstrate credibility through the involvement of the broader support from mental health practices, current educational standards, and science communities in studying or applying the findings, procedures, practices or theoretical concepts current research; or

~~(2)(B) be~~ Be directly related to the profession's ethical, legal, statutory or regulatory policies, guidelines, and standards that impact each respective practice.

(c) Each continuing education course shall have both of the following:

(1) A syllabus that contains a general outline of the main points for each topic, one or more written educational goals goals, and specific learning objectives that are measurable and serve as a basis for an evaluation of the effectiveness of the course; and,

(2) ~~an evaluation~~ A mechanism that allows each participant to evaluate the continuing education course; course.

~~(3) a syllabus that provides a general outline of the course, which shall contain, at a minimum, the learning objectives for each course and a summary containing the main points for each topic; and~~

~~(4) a mechanism that allows all participants to assess their achievement in accordance with the program's learning objectives.~~

Note: Authority cited: Sections ~~4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.1. Board-Recognized Approval Agencies.

(a) The following are board-recognized approval agencies:

~~(1) National Association of Social Workers (NASW)~~

~~(2) Association of Social Work Boards (ASWB)~~

~~(3) National Board of Certified Counselors (NBCC)~~

~~(4) National Association of School Psychologists (NASP)~~

~~(5) American Psychological Association (APA)~~

~~(6) California Associate of Marriage and Family Therapists (CAMFT)~~

~~(7) California Psychological Association (CPA)~~

(1) American Psychological Association (APA)

(2) Association of Social Work Boards (ASWB)

(3) California Association of Marriage and Family Therapists (CAMFT)

(4) California Psychological Association (CPA)

(5) National Association of School Psychologists (NASP)

(6) National Association of Social Workers (NASW)

(7) National Board of Certified Counselors (NBCC)

(b) The board may recognize another entity as an approval agency if the entity can demonstrate in writing the following:

(1) The entity is an organization that represents a licensed health care profession.

(2) The entity has a documented Code of Ethics.

(3) The entity has documented procedures for maintaining a continuing education approval program, including, but not limited to:

(A) Maintaining and managing records and data related to continuing education programs.

(B) Monitoring and approving continuing education providers and courses.

(4) The entity has policies to avoid a conflict of interest between any provider and approval functions.

(5) The entity has the capacity to evaluate courses to ensure compliance with ~~Section~~ section 1887.4.0.

(c) Upon written confirmation from the board that the entity has been recognized, the entity may advertise that it has been recognized by the board.

(d) Failure of the entity to substantially comply with the provisions as set forth in ~~Section~~ section 1887.4.2 shall constitute cause for revocation of recognition by the board.

Note: Authority cited: Sections 4980.60, ~~4989.34~~, and 4990.20 and ~~4999.76~~, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.2. Approval Agency Responsibilities.

~~(a)~~ Each board-recognized approval agency shall:

~~(1)~~(a) Evaluate each continuing education provider seeking approval in accordance with the requirements of ~~Section~~ section 1887.4.3.

~~(2)~~(b) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.

~~(3)~~(c) Provide the board with the name, address and responsible party of each provider upon request.

- ~~(4)(d)~~ Respond to complaints from the board, providers, or licensees concerning activities of any of its approved providers or their courses.
- ~~(5)(e)~~ Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.
- ~~(6)(f)~~ Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.
- ~~(7)(g)~~ Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

Note: Authority cited: Sections ~~4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

AMEND § 1887.4.3. Acceptable Continuing Education Provider Providers and Responsibilities.

(a) A continuing education provider shall be either one of the following:

- (1) ~~an~~ An accredited or approved postsecondary institution that meets the requirements set forth in ~~Sections~~ sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;
- (2) ~~a~~ A board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or
- (3) ~~an organization, institution, A professional association, or other entity~~ that is recognized by the board as a continuing education provider. The following ~~organizations~~ professional associations are recognized by the board as continuing education providers:
 - ~~(A) American Association for Marriage and Family Therapy (AAMFT)~~
 - ~~(B) American Association for Marriage and Family Therapy-California Division (AAMFT-CA)~~
 - ~~(C) California Association for Licensed Professional Clinical Counselors (CALPCC)~~
 - ~~(D) California Association of Marriage and Family Therapists (CAMFT)~~
 - ~~(E) National Association of Social Workers-California Chapter (NASW-CA)~~
 - ~~(F) California Society for Clinical Social Work (CSCSW)~~
 - ~~(G) California Association of School Psychologists (CASP)~~
 - ~~(H) California Psychological Association (CPA)~~
 - ~~(I) California Counseling Association (CCA)~~
 - ~~(J) American Counseling Association (ACA)~~

- (A) American Association for Marriage and Family Therapy (AAMFT)
- (B) American Counseling Association (ACA)
- (C) California Association for Licensed Professional Clinical Counselors (CALPCC)
- (D) California Association of Marriage and Family Therapists (CAMFT)
- (E) California Association of School Psychologists (CASP)
- (F) California Counseling Association (CCA)
- (G) California Psychological Association (CPA)
- (H) California Society for Clinical Social Work (CSCSW)
- (I) National Association of Social Workers-California Chapter (NASW-CA)

- (b) Each provider shall ensure that each continuing education course complies with the requirements of ~~Section~~ section 1887.4.0.
- (c) Each provider shall furnish each licensee a record of course completion as defined in ~~Section~~ section 1887.11.0.
- (d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in ~~Section~~ section 1887.12(b). Credit hours awarded shall be in compliance with ~~Section~~ section 1887.5.
- (e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.
- (f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Each provider must be able to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.
- (i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.

- (k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).
- (l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

Note: Authority cited: Sections 4980.60, 4989.34, and 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~REPEAL § 1887.7. Board-Approved Providers.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

- ~~(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.~~
- ~~(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800-37A-633, Rev. 1/11), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.~~
- ~~(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.~~
- ~~(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.~~
- ~~(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.~~
- ~~(f) Board-approved provider numbers are non-transferable.~~
- ~~(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.~~

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.

~~REPEAL § 1887.8. Revocation and Denial of Board-Approved Provider Status.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:~~

~~(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;~~

~~(2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5, 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or~~

~~(3) a provider makes a material misrepresentation of fact in information submitted to the board.~~

~~(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.~~

~~The continuing education appeals committee shall contain three board members, one public member and two members representing two of the four license types regulated by the board. The decision of the continuing education appeals committee is final.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

~~REPEAL § 1887.9. Course Advertisements.~~

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:~~

- ~~(a) the provider's name;~~
- ~~(b) the provider number, if a board-approved provider;~~
- ~~(c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";~~
- ~~(d) the provider's policy on refunds in cases of non-attendance by the registrant; and~~
- ~~(e) a clear, concise description of the course content and objectives.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.*~~

REPEAL § 1887.10. Course Instructor Qualifications.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

- ~~(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:~~
 - ~~(1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;~~
 - ~~(2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;~~
 - ~~(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or~~
 - ~~(4) at least two years' experience in an area related to the subject matter of the course.~~
- ~~(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.~~

~~*Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34, 4996.22 and 4999.76,*~~

Business and Professions Code.

REPEAL § 1887.11. Records of Course Completion.

~~This section shall be applicable only to continuing education providers who hold an active board-issued continuing education provider number.~~

~~Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:~~

- ~~(a) name of licensee and license number or other identification number;~~
- ~~(b) course title;~~
- ~~(c) provider name and address;~~
- ~~(d) provider number, if a board-approved provider;~~
- ~~(e) date of course;~~
- ~~(f) number of hours of continuing education credit; and~~
- ~~(g) signature of course instructor, provider, or provider designee.~~

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.~~

AMEND § 1887.11.0. Records of Course Completion.

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., ~~letters of verification of~~ letter verifying attendance, ~~certificates~~ certificate, ~~gradeslips~~ grade slip, ~~transcripts~~ transcript) containing the following information:

- (a) name of licensee and license number or other identification number;
- (b) course title;
- (c) provider name and address;
- (d) Board-recognized approval agency name, or a statement that the provider is an entity recognized by the board to provide continuing education pursuant to ~~Section~~ section 1887.4.3;
- (e) date of course;
- (f) number of hours of continuing education credit; and
- (g) signature of course instructor, provider, or provider designee.

~~Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76~~ 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22

and 4999.76, Business and Professions Code.

~~REPEAL § 1887.15. Transition Period for Continuing Education Program.~~

- ~~(a) An entity wishing to become recognized by the board as an approval agency may submit documentation demonstrating compliance with Section 1887.4.1 to the board beginning January 1, 2015.~~
- ~~(b) Effective January 1, 2015, the board will cease accepting applications for board-approved continuing education providers.~~
- ~~(c) Effective July 1, 2015, all board-approved continuing education provider numbers will no longer be renewed.~~
- ~~(d) Notwithstanding any other provision of this Article, board-approved continuing education provider numbers with an expiration date of July 1, 2015, or later are not eligible for renewal.~~
- ~~(e) Notwithstanding any other provision of this Article, each board-approved continuing education provider may continue to provide continuing education coursework until the expiration of their continuing education provider number.~~
- ~~(f) Board licensees may be credited with continuing education credits from a board-approved continuing education provider if all of the following criteria are satisfied:~~
 - ~~(1) The board-approved continuing education provider's board-issued provider number was not expired at the time that the course was taken; and~~
 - ~~(2) The continuing education course satisfied the course requirements set forth in Section 1887.4 and the instructor requirements set forth in Section 1887.10, as applicable to continuing education providers who hold an active board-issued continuing education provider number.~~

Note: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22 and 4999.76, Business and Professions Code.



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REQUEST FOR TEMPORARY CONTINUING EDUCATION (CE) WAIVER: **INSTRUCTIONS AND INFORMATION**

IMPORTANT:

- **The board must receive your request for CE waiver and verification of disability at least sixty (60) days PRIOR to the expiration date of your license in order for the waiver to be considered. Otherwise, your request will be denied. Allow 30 days for processing.**
- **The 6-hour Law and Ethics CE course required for each renewal CANNOT BE WAIVED. You must complete this course before renewing.**

Who Qualifies for a Temporary CE Waiver?

You may qualify for a temporary CE waiver if, for at least one year during your current license renewal period, you had one of the following:

- A physical or mental disability or medical condition that substantially limited one or more life activities and caused your earned income to drop below the substantial gainful activity amount for non-blind individuals during that year, as defined by the Social Security Administration (see <https://www.ssa.gov/oact/cola/sga.html>); OR
- You were the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A “total physical or mental disability” means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation.

How to Request a CE Temporary Waiver of CE

To request a temporary waiver, submit the following:

- **Waiver Request form.** Complete the form titled, “Request for Temporary Continuing Education Waiver – Licensee Application” Form No. 37A-635 (Revised [date to be inserted by OAL upon approval of regulations]).
- **Verification of Disability.** Submit If your waiver request is based on your own disability or medical condition, complete Part 2 of Form No. 37A-635 and submit a completed “Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition” Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]) and proof of income during the period of disability. This form Form No. 37A-636 must be completed by the attending physician or psychologist. The Board may will accept a written statement from the physician or psychologist in lieu of completing the form, provided that the statement provides all of the information requested on the form, and includes all of the following: the name, title,

address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification.

- **Verification of Disability of Immediate Family Member for Whom You were the Primary Caregiver.** If your waiver request is based on you being the primary caregiver of an immediate family member with a disability or medical condition, complete Part 3 of Form No. 37A-635 and submit a completed “Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition” Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]). This form must be completed by the attending physician or psychologist. The Board will accept a written statement from the physician or psychologist in lieu of completing the form, provided that the statement provides all of the information requested on the form, and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. Any physician or psychologist verification of a Family Member’s disability or medical condition must include a copy of the Family Member’s written authorization to release protected health information (PHI) to the board for the limited purpose of verification for the licensee’s CE waiver request.
- **Proof of Income.** If your request is due to your own disability or medical condition, you must submit proof of all income earned from work activity during the (minimum) one-year period of disability. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity. Your earned income must fall below the “substantial gainful activity” amount for the non-blind during the (minimum) one year of disability, as set by the Social Security Administration. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity.

You will be notified whether or not your request was granted within thirty (30) days after from the date the board receives your request for waiver and all supporting documentation are received by the Board.

Waivers Cannot be Granted Before the Fact

The board can only grant a waiver for your current renewal period. The board cannot grant a waiver for a future renewal period, nor can it grant a waiver for a situation that you anticipate happening. You may request a waiver after the qualifying situation has occurred, or during the qualifying situation, as long as you have met meet the minimum criteria.

Send Your Waiver Request BEFORE Submitting Your Renewal Application

Do not submit your renewal application until after the board has responded to your waiver request. Courtesy renewal applications are mailed out 90 days prior to your license expiration date. It takes 30 days to process an application for waiver.

If Your Waiver Request is Denied

If your request for waiver is denied, you will be required to complete all CE hours, including any mandatory coursework, prior to renewing your license in an active status. If you are unable to complete your CE hours prior to your expiration date, consider renewing your license as inactive. This will help you avoid a delinquency fee. You may reactivate your license once you have completed the required CE. It is against the law to practice with an inactive or delinquent license.

If Your Waiver Request is Approved

You must complete the 6-hour course in Law and Ethics prior to renewing your license with an active status.

For More Information

See Title 16, California Code of Regulations section 1887.2.

Notice of Collection of Personal Information:

The Board of Behavioral Sciences (board) of the Department of Consumer Affairs collects the personal information requested on the attached forms this form as authorized by Business and Professions Code sections 4980.54, 4989.34, 4996.22 and 4999.76, and Title 16 California Code of Regulations (CCR) section 1887.2 for the purpose of determining eligibility for a “good cause” waiver of the board’s continuing education requirements for the specified renewal period.

Submission of the licensee’s personal information such as name, license number number, and medical history, and income is mandatory because the board cannot process the request for the CE waiver without this information. If the licensee requests a CE waiver because they were the primary caregiver for their immediate family member, submission of the family member’s personal information, such as name, medical history, name of health care provider, and family member’s authorization to release medical information is mandatory because the board cannot process the request for the CE waiver without this information. The Board cannot process your request for waiver of the continuing education requirements unless you provide all of the other requested personal information on this form. The personal information provided is for the limited purpose of evaluating and processing the licensee’s request for the CE waiver.

We make The board makes every effort to protect the personal information you provide us provided in this form. However, the information may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by state or federal law; or
- In response to a court or administrative order, a subpoena, or a search warrant.

You You, and any family member who have provided information on this form, have a right of access to records containing personal information about you maintained by the board, as permitted by the Information Practices Act. For questions about this notice or access to your records, contact the board at (916) 574-7830 or by email at BBS.info@dca.ca.gov. For questions about the Department of Consumer Affairs’ privacy policy or the Information Practices Act, contact the Department of Consumer Affairs, 1625 North Market Blvd., Sacramento, CA 95834 or (800) 952-5210 or email dca@dca.ca.gov.



Board of Behavioral Sciences
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834
 Telephone: (916) 574-7830
www.bbs.ca.gov



REQUEST FOR TEMPORARY CONTINUING EDUCATION EXCEPTION (CE) WAIVER LICENSEE APPLICATION

Reason for Request – Health (Self or Primary Caregiver for Immediate Family Member)

This form must be received by the Board. The board must receive this form with the “Verification of Disability or Medical Condition” at least SIXTY (60) DAYS PRIOR TO the your license expiration date of the license. Allow 30 days for processing.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM.

Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

NOTE: The 6-hour Law and Ethics course CANNOT be waived

(Please type or print clearly in ink)

<i>For Office Use Only:</i>	
Date Received	_____
Date Approved	_____ Denied _____
Date of Audit (if applicable)	_____
Enforcement Approval	☐ Yes ☐ No Date: _____

Part 1 - To be completed by applicant/licensee Completed by Applicant/Licensee

NAME: Last		First		Middle	
BUSINESS TELEPHONE:			RESIDENCE TELEPHONE: <u>EMAIL ADDRESS (OPTIONAL):</u>		
ADDRESS OF RECORD: Number and Street			City	State	Zip Code
SOCIAL SECURITY NUMBER:	LICENSE NUMBER:	RENEWAL PERIOD REQUESTING EXCEPTION FOR CURRENT LICENSE EXPIRATION DATE:			
		_____ / _____ / _____ to _____ / _____ / _____			

REASON FOR EXCEPTION WAIVER REQUEST: (~~Check~~ Mark one box only)

☐ **Health – Self** (*Complete Part 2*)

☐ **Health - Primary Caregiver of Immediate Family Member** (*Complete Part-2 3*)

☐ **~~Military~~** (*submit proof*)

☐ **~~Out of Country~~** (*submit proof*)

APPLICANT NAME:	Last	First	Middle
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**Part 2 – To be completed by licensee to explain regarding own medical condition or disability.
Please attach extra sheets if necessary.**

1. ~~Provide a detailed description of the~~ What is your diagnosed physical or mental disability or medical condition(s) and an explanation as to how the disability or medical condition limits one or more major life activities.?

2. ~~Attach completed “Request for Continuing Education Exception – Verification of Disability or Medical Condition,” Form No. 37A-636 (New 03/10).~~
2. Did your condition(s) substantially limit your ability to perform one or more life activities for at least one year during your current renewal cycle? ☐ Yes ☐ No
3. Did your condition(s) cause your earned income to drop below the “substantial gainful activity” amount for the non-blind during that year, as set by the Social Security Administration? ☐ Yes ☐ No
4. Attach both of the following:
 - Completed (by physician or psychologist) “Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition” Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]); and,
 - Proof of all income earned from work activity during the (minimum) one-year period of disability. If you did not earn any income, provide proof of receiving disability payments, or provide other evidence demonstrating that you did not earn any income from work activity.
3. ~~What type of accommodation are you requesting?~~
 - ☐ ~~**Total Exception from Continuing Education Requirements** — By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the continuing education requirements due to one of the following: (a) total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.~~
 - ☐ ~~**Request to Complete all Continuing Education Hours via Self-Study** — By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive continuing education requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you are the primary caregiver for that family member.~~
4. ~~Explain how another accommodation would allow you to comply with the continuing education requirements.~~

APPLICANT NAME:	Last	First	Middle

PART 3 – To be completed by licensee regarding immediate family member’s disability

1. What is your immediate family member’s name?
2. What is your relationship to your family member?
3. What is your immediate family member’s diagnosed physical or mental disability or medical condition(s)?
4. Was your immediate family member both unable to work and unable to perform activities of daily living without substantial assistance (such as ~~eating, bathing, dressing, housework, shopping, or meal preparation, eating, bathing or dressing preparation~~) for at least one year during your current renewal cycle? ☐ Yes ☐ No
5. Were you the primary caregiver for your immediate family member for at least one year during your current renewal cycle? ☐ Yes ☐ No
6. Attach completed (by physician or psychologist) “Request for Temporary Continuing Education Waiver – Verification of Disability or Medical Condition,” Form No. 37A-636 (Revised [date to be inserted by OAL upon approval of regulations]) that includes a copy of the Family Member’s written authorization to release protected health information (PHI) for the limited purpose of the licensee’s CE waiver application.

I declare under penalty of perjury under the laws of the State of California that all the information that I have submitted on this form and on any accompanying attachment attachments is true and correct. I hereby certify that for at least one year during my previous license renewal period I was unable to complete the continuing education requirements due to one of the reasons listed in Title 16, California Code of Regulations section 1887.2. I understand that ~~Providing-providing~~ false information or omitting required information are grounds for disciplinary action.

Date

Signature of Licensee

~~Certifying on your renewal form that you have either completed the required hours of continuing education or been granted an exception from the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b), 4992.3(b) and 4999.90(b).~~

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" exception to the Board's continuing education requirements. Submission of your social security number is voluntary. Submission of other personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address and telephone number: 1625 North Market Blvd., Suite S-200, Sacramento, CA 95834 or (916) 574-7830.

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 37A-635 (Rev 03/10) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:

(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception—Verification of Disability or Medical Condition," Form No. 37A-636 (New 03/10).

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept any documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The Board may accept a written statement from your physician or psychologist in lieu of completing Part 2, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2012, and you are going to live out of the country from May 2011 through November 2012, you can submit your request for exception due to living out of the country anytime after May 2012.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

If you have any questions, please contact the board's CE program at (916) 574-7830.

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Board of Behavioral Sciences
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834
 Telephone: (916) 574-7830
www.bbs.ca.gov



REQUEST FOR TEMPORARY CONTINUING EDUCATION EXCEPTION (CE) WAIVER

VERIFICATION OF DISABILITY OR MEDICAL CONDITION

~~This form must be received by the Board~~ The board must receive this form with the "Request for Temporary Continuing Education (CE) Waiver – Licensee Application" at least SIXTY (60) DAYS PRIOR TO the your license expiration date of the license. Allow 30 days for processing.

READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:

Date Received _____

Date Approved _____ Denied _____

Date of Audit (if applicable) _____

Enforcement Approval ☐ Yes ☐ No Date: _____

(Please type or print clearly in ink)

Part 1 - To be completed by applicant/licensee Completed by Applicant/Licensee

*NAME: Last First Middle

BUSINESS TELEPHONE: RESIDENCE TELEPHONE: EMAIL ADDRESS (OPTIONAL):

ADDRESS OF RECORD: Number and Street City State Zip Code

*SOCIAL SECURITY NUMBER:	LICENSE NUMBER:	RENEWAL PERIOD REQUESTING EXCEPTION FOR: CURRENT LICENSE EXPIRATION DATE: _____ / _____ / _____ to _____ / _____ / _____
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REASON FOR EXCEPTION WAIVER REQUEST: (~~Check~~ Mark one box only)

☐ **Health – Self:** (Complete Part 2)

☐ **Health-Primary Caregiver of Immediate Family Member:** (Complete Part 23)

Name of Immediate Family Member: _____

Part 2 – Health – SELF

To be completed by attending physician/psychologist Completed by Attending Physician/Psychologist

1. ~~Provide a detailed description of the physical or mental disability or medical condition and an explanation as to how the disability or medical condition limits one or more major life activities, including the licensee's ability to complete 36 hours of continuing education over a two-year period through classroom/seminar attendance, home study, Internet courses. Please attach additional sheets if necessary.~~ What was the individual's diagnosed physical or mental disability or medical condition(s)?

2. Did the condition(s) substantially limit the individual's ability to perform one or more life activities?
☐ Yes ☐ No

3. Approximate date disability/medical condition(s) began: _____
 Disability/medical condition is ☐ Temporary ☐ Permanent

4. Approximate date disability/medical condition(s) resolved, if applicable: _____
 If temporary, approximate date licensee will be able to resume his/her continuing education:

3. ~~Is licensee limited in working in his/her licensed capacity?~~ ☐ Yes ☐ No
 If Yes, please explain limitations: _____

<u>Attending Physician's/Psychologist's Name</u>	<u>License Number</u>	<u>Business Telephone</u>	
<u>Attending Physician's/Psychologist's Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>

I declare under penalty of perjury under the laws of the State of California that all the information I have submitted on this form and on any accompanying attachments is true and correct.

Date

Signature of Physician/Psychologist

Part 3 – Health – LICENSEE’S IMMEDIATE FAMILY MEMBER

Items #1 - 6 to be Completed by Attending Physician/Psychologist of the Family Member

Item #7 to be Completed by the Family Member of the Licensee

1. Immediate Family Member’s Name: _____

2. What was the family member’s diagnosed physical or mental disability or medical condition(s)?

3. Was the family member unable to work for at least one year as a result of the disability or medical condition(s) during the period of disability? ☐ Yes ☐ No

4. Was the family member unable to perform activities of daily living without substantial assistance for at least one year during the period of as a result of the disability or medical condition(s)?
☐ Yes ☐ No

5. Approximate date disability/medical condition(s) began: _____

6. Approximate date disability/medical condition(s) resolved, if applicable: _____

APPLICANT NAME: Last First Middle

7. The Family Member has provided written authorization below for the release of their protected health information (PHI) for the limited purpose of verification for the Licensee Request for CE Waiver.

I _____ *(insert name of licensee's family member)* voluntarily consent to authorize my healthcare provider to complete this form to disclose my health information during the term of this authorization to the Board of Behavioral Sciences for the specific, limited purpose of verification of my disability or medical condition related to the Licensee Request for CE Waiver.

I authorize the release of my health information that my healthcare provider deems necessary to verify my condition. I also authorize my healthcare provider to release any additional information about my condition, if requested by the Board of Behavioral Sciences, for verification, related to the Licensee Request for CE Waiver.

I understand this authorization will remain in effect until the Board of Behavioral Sciences reviews and either grants or denies the Licensee Request for CE Waiver.

Signature of Licensee's Immediate Family Member

Date

Attending Physician's/Psychologist's Name	License Number	Business Telephone	
Attending Physician's/Psychologist's Address	City	State	Zip Code

I declare under penalty of perjury under the laws of the State of California that all the information I have submitted on this form and on any accompanying attachments is true and correct. ~~Providing false information or omitting required information are grounds for disciplinary action.~~

Date

Signature of Licensee

Date

Signature of Physician/Psychologist

****See "Notice of Collection of Personal Information" (over)***

Notice of Collection of Personal Information

The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code sections 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) section 1887.2 for the purpose of determining eligibility for a “good cause” waiver of the board’s continuing education requirements for the specified renewal period.

Submission of the licensee’s personal information, such as name, license number, medical history, and income is mandatory because the Board cannot process the request for the CE waiver without this information. If the licensee requests a CE waiver because they were the primary caregiver for their immediate family member, submission of the family member’s personal information, such as name, medical history, name of health care provider, and family member’s authorization to release medical information is mandatory because the Board cannot process the request for the CE waiver without this information. The personal information provided is for the limited purpose of evaluating and processing the licensee’s request for the CE waiver.

The board makes every effort to protect the personal information provided in this form. However, the information may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
 - To another government agency as required by state or federal law; or
 - In response to a court or administrative order, a subpoena, or a search warrant.
- to another government agency as required by state or federal law; in response to a Public Records

You, and any family member who have provided information on this form, have a right of access to records containing personal information about you maintained by the board, as permitted by the Information Practices Act. For questions about this notice or access to your records, contact the Board at (916) 574-7830 or by email at BBS.info@dca.ca.gov. For questions about the Department of Consumer Affairs’ privacy policy or the Information Practices Act, contact the Department of Consumer Affairs, 1625 North Market Blvd., Sacramento, CA 95834 or (800) 952-5210 or email dca@dca.ca.gov.

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: *The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a “good cause” exception to the Board’s continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.*

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a request for exception from or reasonable accommodation for the continuing education requirement, on a form entitled “Request for Continuing Education Exception,” Form No. 1800-37A-635 (Revised 03/10), for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee within thirty (30) working days after the receipt of the

request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

- ~~(1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
 - ~~(A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service; or,~~
 - ~~(B) For at least one year during the licensee's previous license renewal period the licensee resided in another country.~~~~
- ~~(2) The board may grant a reasonable accommodation if, for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception—Verification of Disability or Medical Condition," Form No. 1800-37A-636 (New 03/10).~~

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2011, and you are going to live out of the country from May 2010 through November 2011, you can submit your request for exception due to living out of the country any time after May 2011.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

If you have any questions, please contact the Board's CE program at (916) 574-7830.

Social Security

Substantial Gainful Activity

Automatic Determinations	To be eligible for disability benefits, a person must be unable to engage in substantial gainful activity (SGA). A person who is earning more than a certain monthly amount (net of impairment-related work expenses) is ordinarily considered to be engaging in SGA. The amount of monthly earnings considered as SGA depends on the nature of a person's disability. The Social Security Act specifies a higher SGA amount for statutorily blind individuals; Federal regulations specify a lower SGA amount for non-blind individuals. Both SGA amounts generally change with changes in the national average wage index.
Determinations: SGA for blind	
SGA for non-blind disabled	
Wage-indexed amounts	

Amounts for 2020

The monthly SGA amount for statutorily blind individuals for 2020 is \$2110. For non-blind individuals, the monthly SGA amount for 2020 is \$1260. SGA for the blind does *not* apply to Supplemental Security Income (SSI) benefits, while SGA for the non-blind disabled applies to Social Security and SSI benefits. See historical series of SGA amounts below.

Trial work period

After a person becomes eligible for disability benefits, the person may attempt to return to the work force. As an incentive, we provide a *trial work period* in which a beneficiary may have earnings and still collect benefits.

Monthly substantial gainful activity amounts by disability type

Year	Blind	Non-blind	Year	Blind	Non-blind	Year	Blind	Non-blind
1975	\$200	\$200	1995	\$940	\$500	2015	\$1,820	\$1,090
1976	230	230	1996	960	500	2016	1,820	1,130

1977	240	240	1997	1,000	500	2017	1,950	1,170
1978	334	260	1998	1,050	500	2018	1,970	1,180
1979	375	280	1999	1,110	700 ^a	2019	2,040	1,220
1980	417	300	2000	1,170	700	2020	2,110	1,260
1981	459	300	2001	1,240	740			
1982	500	300	2002	1,300	780			
1983	550	300	2003	1,330	800			
1984	580	300	2004	1,350	810			
1985	610	300	2005	1,380	830			
1986	650	300	2006	1,450	860			
1987	680	300	2007	1,500	900			
1988	700	300	2008	1,570	940			
1989	740	300	2009	1,640	980			
1990	780	500	2010	1,640	1,000			
1991	810	500	2011	1,640	1,000			
1992	850	500	2012	1,690	1,010			
1993	880	500	2013	1,740	1,040			
1994	930	500	2014	1,800	1,070			

^a \$500 amount applied in the first half of 1999.