

	Revision Approval Date: <u>8/7/12</u> By: <u>[Signature]</u> Mental Health Director
POLICY: Professional Licensing Waiver Policy and Procedure (Previous Policy: Supervision and Professional Standards)	Original Policy Approval: <u>07/01/2002</u> Policy No.: _____

POLICY: Professional Licensing Waiver Policy and Procedure

Pursuant to DMH letter 10-03 (June 2010) and W&I Code Section 5751.2:

1. All psychologist candidates providing Medi-Cal services for which they bill must obtain a licensing waiver- *even if they are registered with their licensing board.*
 2. All Licensed Clinical Social Worker (LCSW) and Licensed Marriage and Family Therapist (LMFT) candidates do not need a waiver but must remain registered with his/her licensing board until such time as the candidate is licensed.
- This applies to both county and contract providers.
 - This applies regardless of payer source.
 - This applies to those types of treatment and services that require the practitioner to hold a clinical license.

Exceptions: This does not apply to those Psychologist candidates employed by or under contract to health facilities licensed by the California Department of Public Health. Waiver requests for these persons should be directed to the California Department of Public Health. (e.g. Children’s Hospital, Oakland)

IMPORTANT: See DMH Letter 10-03 for further details, as may be updated by future regulations.

PROCEDURE:

Eligibility Criteria as established by the State of California, Health and Human Services Agency (CA-HHSA).

- In order to be eligible for such a waiver, the psychologist candidate must have successfully completed 48 semester/trimester or 72 quarter units of graduate coursework, not including thesis, internship or dissertation. A copy of the candidates’ transcript reflecting completion of this coursework requirement must be submitted with the waiver application along with the applicant’s resume. DMH reserves the right to request an official transcript if they choose.
- The waiver must be in place prior to when a candidate begins work for which a license or waiver is required.
- There is no statutory provision for extension of psychologist waivers beyond the five-year limit. Waivers are not transferable from one Mental Health Plan to another.

The provider/employer will submit the following documentation to the Behavioral Health Care Services, Quality Assurance (“BHCS-QA”) Office.

Required Documentation:

- Current resume

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- Transcripts from an accredited University demonstrating completion of the required units (described above).
- CA-HHSA Mental Health Professional Licensing Waiver Request Form (MH 12 Rev 06/15/10)

In Completing the Form, the provider/employer must observe the following guidelines:

- Unless the psychologist candidate is from out-of-state, the provider will check the box marked “**Within California/not licensed, eligible.**”
- **Date of Completion of Required Coursework:** This is the last date of the semester (can be approximate) on the transcripts that the candidate received credit for coursework - not including practicum or dissertation work.
- **Employment Start Date:** The future date that the candidate will start work.
 - The provider will submit the form to:
Alameda County BHCS-QA OFFICE
2000 Embarcadero #400
Oakland, CA 94609
- **Request Submitted By:** The BHCS-QA designee, will sign, date and add the county name.

Upon receiving the request, the QA secretary will check for a complete and accurate submission by the provider and upon completion, will submit it to the BHCS-QA designee.

Waiver requests are then sent by the QA secretary to:

California Department of Mental Health
Medi-Cal Oversight-North Branch
Professional Licensing Waiver Unit
1600 Ninth Street, Room 410
Sacramento, CA 95814

Upon receipt of the waiver decision back from the California Health and Human Services Agency, the QA secretary will send the original Mental Health Professional Licensing Waiver Request Form (MH 12 Rev 06/15/10) to the provider and file a copy by the year of waiver expiration.

Every year in the month of June, the BHCS-QA secretary will send a reminder of this policy and procedure to all providers of services under Alameda County Behavioral Health Care Services. The reminder will include a copy of the policy and procedure.



C A L I F O R N I A D E P A R T M E N T O F

Mental Health

1600 9th Street, Room 410, Sacramento, CA 95814
(916) 654-2309

June 16, 2010

DMH LETTER NO.: 10-03

TO: LOCAL MENTAL HEALTH DIRECTORS

SUBJECT: PROFESSIONAL LICENSING WAIVER REQUIREMENTS

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 5751.2

The purpose of this letter is to provide counties with updated information regarding professional licensing waiver requirements and instructions on how to request these waivers pursuant to *Welfare and Institutions Code (W&IC) Section 5751.2*.

The entire text (five paragraphs) of W&IC Section 5751.2(a-e) appears below in italics. Department of Mental Health (DMH) comments follow each paragraph in bulleted form.

Section 5751.2. (a): Except as provided in this section, persons employed or under contract to provide mental health services pursuant to this part shall be subject to all applicable requirements of law regarding professional licensure, and no person shall be employed in local mental health programs pursuant to this part to provide services for which such a license is required, unless the person possesses a valid license.

- This applies to all psychologists, clinical social workers, or marriage and family therapists employed by, or under contract to, local mental health programs.
- This applies to both county employees and contract providers.
- This applies regardless of payer source.
- This does not apply to persons employed by or under contract to health facilities licensed by the California Department of Public Health. Waiver requests for these persons should be directed to the California Department of Public Health.
- The phrase “Mental Health Services” in this section refers to those types of treatment and services that require the practitioner to hold a license.

Section 5751.2. (b): Persons employed as psychologists and clinical social workers, while continuing in their employment in the same class as of January 1, 1979, in the same program or facility, including those persons on authorized leave, but not including intermittent personnel, shall be exempt from the requirements of subdivision (a).

- In order to qualify under this section, an individual would need to be employed in the same position and facility in which she/he was employed on January 1, 1979. There are probably only a few, if any, persons Statewide still in this category.

Section 5751.2. (c): While registered with the licensing board of jurisdiction for the purpose of acquiring the experience required for licensure, persons employed or under contract to provide mental health services pursuant to this part as clinical social workers or marriage, family, and child counselors shall be exempt from subdivision (a). Registration shall be subject to regulations adopted by the appropriate licensing board.

- Licensed Clinical Social Worker (LCSW) and Licensed Marriage and Family Therapist (LMFT) candidates do not need a waiver, nor can one be obtained. (See the exception to this statement under Section 5751.2 (e) below for license-ready persons recruited from outside California.)
- Each LCSW and LMFT candidate is to remain registered with her/his licensing board until such time as the candidate is licensed. As stated in the statute, such registration shall be subject to regulations adopted by the appropriate licensing board.
- The candidate must remain registered even though he/she is no longer accumulating qualifying hours.

Section 5751.2. (d): The requirements of subdivision (a) shall be waived by the department for persons employed or under contract to provide mental health services pursuant to this part as psychologists who are gaining the experience required for licensure. A waiver granted under this subdivision may not exceed five years from the date of employment by, or contract with, a local mental health program for persons in the profession of psychology.

- Each psychologist candidate must obtain a waiver—even if he/she is registered with his/her licensing board.
- In order to be eligible for such a waiver, the psychologist candidate must have successfully completed 48 semester/trimester or 72 quarter units of graduate coursework, not including thesis, internship or dissertation. An official copy of a transcript reflecting completion of this coursework requirement must be submitted with the waiver application.
- There is no statutory provision for extension of psychologist candidate waivers beyond the five-year limit.

Section 5751.2. (e): The requirements of subdivision (a) shall be waived by the department for persons who have been recruited for employment from outside this state as psychologists, clinical social workers, or marriage, family, and child counselors and whose experience is sufficient to gain admission to a licensing examination. A waiver granted under this subdivision may not exceed three years from the date of employment by, or contract with, a local mental health program for persons in these three professions who are recruited from outside this State.

- To be eligible, the psychologist, LCSW, or LMFT candidate must be recruited from outside California and have sufficient experience to gain admission to the appropriate licensing examination. For applicants in this category, a letter from the appropriate California licensing board which states that the applicant has sufficient experience to gain admission to the licensing examination must be included with the waiver application.

The following general points should be noted:

- Mental Health Plans (MHPs) should submit and receive approval for waivers under subdivisions 5751.2(d) [psychologist candidates] and 5751.2(e) [candidates recruited from outside California whose experience is sufficient to gain admission to the appropriate licensing examination] prior to allowing candidates to begin work for which a license or waiver is required.
- Waivers are not transferable from one MHP to another. If an individual who obtained a waiver while working for one MHP terminates employment and is subsequently hired by a second MHP, an application for a new waiver must be submitted by the second MHP prior to allowing the candidate to begin work for which a license or waiver is required.
- Once a waiver is granted, the waiver period runs continuously to its expiration point unless the MHP requests that it be terminated earlier.

Waiver requests should be sent to:

California Department of Mental Health
Medi-Cal Oversight-North Branch
Professional Licensing Waiver Unit
1600 Ninth Street, Room 410
Sacramento, CA 95814

Please use the Professional Licensing Waiver Request form [available](#) on the DMH internet website at www.dmh.ca.gov.

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Any questions concerning professional licensing waivers may be directed to:

California Department of Mental Health
Medi-Cal Oversight Branch
Professional Licensing Waiver Unit
(916) 651-3838

Sincerely,

Original Signed by

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosure (1)

MENTAL HEALTH PROFESSIONAL LICENSING WAIVER REQUEST

MENTAL HEALTH PROFESSIONAL LICENSING WAIVER REQUEST

Instructions For Completing This Form

Please only complete the following boxes on this form:

- 1) Applicant's Full Name, Including Aliases and Maiden Names: DHCS staff need this information, when applicable, to track accurately the applicant's waiver history.
- 2) Type of Waiver Request: Clearly indicate the type of waiver request. To be eligible for the Out-of-State/License-Ready category, an applicant must be both license-ready (i.e., have accrued the number of hours of supervised professional experience required to sit for the licensing examination) and have been recruited from out-of-State.
When submitting an application for an Out-of-State/License Ready waiver, the MHP must submit a letter from the appropriate licensing board which states that the applicant has sufficient experience to gain admission to the licensing examination.
- 4) Employment Start Date (In the Position Requiring the Waiver): Specify the date the applicant will start employment in the position requiring a waiver.

In order for DHCS to determine the eligibility for Professional Licensing Waivers, it is necessary to submit the following:

- i. a copy of the applicant's complete resume that includes the current/future employer and a description of specialty mental health services to be provided; **dates of clinical/work experience shall be formatted: mm/yyyy**
- ii. a copy of the applicant's recently issued unofficial school transcript; online copies will not be accepted

For additional information on the professional licensing waiver process, see DMH Letter No 10-03.

For questions, please contact Alameda County BHCS, QA Office at QAOffice@acbhcs.org

MENTAL HEALTH PROFESSIONAL LICENSING WAIVER REQUEST

(Please fill-in only the high-lighted boxes below. See reverse side for completion instructions.)

1. APPLICANT'S FULL NAME (Include aliases and maiden names):		
2. TYPE OF WAIVER REQUEST (Please check appropriate box)		
WITHIN CALIFORNIA/NOT LICENSE ELIGIBLE PSYCHOLOGIST: (5-year waiver maximum) <input type="checkbox"/>	OUT-OF-STATE/LICENSING-EXAMINATION-READY: (3-year waiver maximum) PSYCHOLOGIST LCSW LMFT LPCC <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
3. DATE OF DEGREE OR DATE ALL DEGREE REQUIREMENTS MET: <i>To be completed by QA</i>	4. EMPLOYMENT/INTERNSHIP START DATE (in the position requiring the waiver):	
5. ATTACHMENTS: <i>i. CV updated with current employer and a description of speciality mental health services to be provided</i> <i>ii. A copy of a recently issued unofficial school transcript; online copies will not be accepted</i>		
6. REQUEST SUBMITTED BY: (SIGNATURE) Alameda County Clinical Staff ONLY SIGNATURE: _____ PRINTED NAME: _____		
7. DATE:	8. COUNTY: Alameda	
9. MHP CONTACT FOR QUESTIONS & ADDRESS FOR RETURN LICENSING WAIVER REQUEST: Tiffany Lynch ACBHCS QA Department 2000 Embarcadero Cove, Ste 400 Oakland, CA 94606		
FOR STATE DEPARTMENT OF HEALTH CARE SERVICES, MENTAL HEALTH SERVICES DIVISION USE ONLY. DO NOT COMPLETE BELOW		
9. DATE COMPLETE WAIVER APPLICATION RECEIVED:	10. DATE WAIVER BEGINS	
11. COMMENTS	12. DATE WAIVER ENDS	
Approved By:	Title:	Date:
Signature: _____		
This waiver is granted pursuant to Welfare and Institutions Code Section 5751.2 and with the stipulation that the employer and the applicant assume responsibility for meeting all applicable statutory and regulatory requirements during the approved waiver period.		