

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: April 20, 1999

BHRS POLICY: 99-04

SUBJECT: Waiver/Registration in Lieu of License

AUTHORITY: Welfare and Institutions Code, Section 5751.2, as Amended by Chapter 712, Statutes of 1995

AMENDED: October 25, 2001, February 15, 2005 and November 13, 2013

ATTACHMENTS:

- A. Request for Waiver of Licensure
- B. Notice of Professional Responsibility to Maintain Current Clinical License
- C. Procedures for Verification of Licenses and Registrations
- D. CA HHS Mental Health Professional Licensing Waiver Request

BACKGROUND

California Mental Health Laws and Regulations (referenced above) provide that “no person shall be employed in local mental health programs....to provide services for which such a license is required, unless the person possesses a currently valid license.”

California law further provides a mechanism for graduates of schools of social work and psychology to obtain the necessary clinical hours to qualify for their applications for licensure. That process involves registration with the Board of Behavioral Science (BBS) for Clinical Social Work and Marriage/Family Therapist (MFT) candidates, and application for a waiver in lieu of license, submitted to the Department of Health Care Services (DHCS) by the county, for Psychologist candidates.

PURPOSE

The purpose of this policy is

- to assure that unlicensed staff working in clinical positions understand their personal and professional responsibilities to meet registration/waiver requirements; and
- to describe the limitations of this process and the consequences of non-compliance.

POLICY

- No person shall be offered employment as a Psychiatric Social Worker or MFT or accepted as a post-graduate volunteer intern unless that person can produce documentation of current registration with the BBS.
- No person shall be offered employment as a psychology intern or accepted as a post-graduate volunteer intern unless that person applies through Behavioral Health Quality Management (QM) for a DHCS Waiver in Lieu of License.
- Candidates for LCSW and MFT licensure must send documentation of annual renewals of their BBS intern registration to Behavioral Health and Recovery Services (BHRS) administration.
- Registration/Waivers in Lieu of License are good for the following periods:
- LCSW/MFT Candidates: Three years. On a case-by-case basis, BHRS will consider extensions of the registration process up to a total of six years.
- LCSW/MFT candidates who are enrolled with the BBS and are actively pursuing licensure may have this period extended with the approval of the BHRS Director. Active pursuit means the candidate has completed the requisite clinical hours and is scheduled to take the written examination(s) at the next available opportunity. Staff in the process of examination may retake failed examinations so long as they maintain active and continuous registration status with the BBS.

Staff members who are actively pursuing licensure as defined above must inform supervisors and managers on a regular basis of their licensure status.

- Psychology Candidates: The waiver time period is two years from date of full-time employment or other work relationship with a local behavioral health system (including contractor). On a case-by-case basis, the waiver may be extended on application to the Department of Health Care Services (DHCS) (state) for one additional year (three total years). For part-time candidates, further extensions are possible but in no case will the DHCS extend the waiver period beyond five years.
- In some situations, the BBS will allow a candidate for licensure to start a second registration process. San Mateo County Behavioral Health and Recovery Services will not recognize this second period.
- Staff who do not become licensed within the registration/waiver period may not continue to provide clinical services that are restricted to licensed personnel. In this case, the County shall take steps up to and including termination if no mutually acceptable alternate and appropriate job can be found.
- Contract agencies will carry any risks associated with employing ineligible staff members as therapists, including audit risk and default of contract.

Staff Responsibilities

- To provide documentation of BBS registration and annual renewals to supervisors and BHRS Quality Management (LCSW and MFT candidates).
- To notify the staff member’s licensing board within thirty (30) days of a legal name change; the reissued proof of registration with legal name should be submitted to BHRS Payroll/Personnel and QM as soon as available.
- To remain aware of the schedule for written examinations in their field, and to plan to take such examinations at the earliest opportunity to meet registration/waiver timetables.
- To discuss licensing plans and any difficulties with their supervisors so that, if possible, contingency plans may be made.
- To understand the consequences of failure to obtain a clinical licensure in the allowed time period.

Waiver Application Procedure

The supervisor shall forward the Request for Waiver of Licensure form (Attachment A) to BHRS QM for transmittal to DHCS. QM maintains a copy of the approved waiver and sends the original to the applicant. QM notifies the BHRS payroll/personnel department of the waiver end date.

Candidates for California Licensure Who Are Licensed in Another State

The applicant for employment as a clinician must present evidence that he/she has investigated the process for California reciprocity and demonstrate eligibility, must discuss this timetable with the prospective supervisor, and must follow all requirements of the appropriate licensing board. The supervisor shall follow oversight procedures described above to assure progress towards California licensure in a timely manner.

Achievement of License

Notice of newly licensed clinicians shall be sent to BHRS Administration to terminate the registration/waiver oversight process.

Approved: Signature on File
Stephen Kaplan, Director
Behavioral Health and Recovery Services

Reviewed: _____