

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	QM
	Policy Number	QM-03-06
	Effective Date	05-12-1997
	Revision Date	12-20-2020
Title: Licensure Waiver and Monitoring of Accrued Supervised Hours	Functional Area: Beneficiary Protection	
Approved By: (Signature on File) Signed version available upon request Alexandra Rechs, LMFT Program Manager, Quality Management		

PURPOSE:

The purpose of this policy is to assure that license eligible staff that are waived and acting in a licensed role will be appropriately supervised by licensed staff, act within their scope of practice, and seek professional licensure with the Board of Behavioral Sciences, or the Board of Psychology, when eligible. License waived staff must provide services in accordance with Title 9, Welfare and Institutions Code, and Business and Professions Code regulations.

DETAILS:

Waiver Request For Associate Social Worker, Associate Marriage and Family Therapist, and Associate Professional Clinical Counselor:

- A. Staff who are registered with the Board of Behavioral Sciences (BBS) for the purpose of gaining licensure status (LCSW, LMFT, LPCC) are eligible to apply for license waived status with Sacramento County. The BBS registration must remain active for the staff to function in the license waived classification. Any services billed while a waived staff's BBS registration is inactive may be disallowed. Under the Sacramento County Division of Behavioral Health Services (DBHS), Mental Health Plan (MHP) and Substance Use and Prevention (SUPT) license waived staff may provide the same specialty mental health and substance use and prevention services as a Licensed Professional of the Healing Arts (LPHA). They may direct services only under the supervision of an LPHA and may not co-sign clinical documentation that requires the signature of an LPHA. Direction includes, but is not limited to, acting as a clinical team leader and providing direct or functional supervision of service delivery.
- B. To apply for license waived status for an employee, agency providers must:
 - 1. Complete a LPHA Licensure Waiver Application- indicating the eligible staff member who is currently registered with the BBS and is seeking waived status to perform the services of an LPHA.
 - 2. Primary verification of BBS registration must be secured by a provider representative and shall be available for audit and review by Sacramento County Quality Management staff. Provider staff should review the original registration document, copy it, and annotate the copy indicating that the original was seen, then sign, and date attesting this was done.
 - 3. Provider will submit to Quality Management the following:
 - a. Completed waiver application.

- b. Current copy of the annotated copy of the BBS registration document.
 - c. Copy of the appropriate Supervisor's "Responsibility Statement", from the BBS. (California Code of Regulations, Title 16, Sections 1870 and 1833.1).
4. Waived status will be granted by the County of Sacramento Quality Management (QM) unit to appropriately registered and supervised staff. Waived status shall not exceed six years from the initial date of registration with the Board.
 5. The provider agency must submit to QM annual renewal documentation for each waived staff **prior to the expiration date** on the BBS registration.
 - a. Copy of the renewed BBS registration.
 - b. Change in supervisor will require a new copy of the Supervisor's Responsibility Statement.
 6. In order to maintain their waived status, waived staff that has completed the minimum hours required for licensure *must remain registered with the BBS with an "active" status* and remain under formal clinical supervision, until licensed.
 7. If a waived staff member does not achieve licensure by the end of the sixth year of BBS registration, that staff member will lose his/her County license waived status.. A licensed waived staff may not provide services under this classification during any period that the waiver is expired. To continue to provide services the staff must be reclassified appropriately as a Mental Health Rehabilitation Specialist (MHRS), or whichever classification best matches the staff's education and work experience.
- C. An extension may be requested for a period not to exceed one year, prior to the expiration of the existing waiver for the purpose of completing the licensure testing process.
1. Provider manager/director will provide a written request to QM, on company letterhead, indicating a reasonable timeframe extension for the purpose of completing the examination process. The reason for the extension must be based on either BBS administrative delays or personal extenuating circumstances. Examples of personal extenuating circumstances include maternity leave or unplanned medical events. *Supervisors must be very specific in making this request.*
 2. Provider will submit evidence that the waivedstaff :
 - a. Has completed and received BBS approval for all supervised clinical hours and is eligible to take the appropriate Clinical Exam.
 - b. Has taken the BBS Law and Ethics Exam.
 - c. Is under appropriate clinical supervision
 - d. Remains registered with the BBS in an "active" status. (Renewed and Current status, per BBS website).
 - e. Test at the earliest eligible cycle established by the BBS, and at least annually thereafter until licensure status is achieved.
 3. The provider agency will be notified in writing of the decision whether an extension was granted or denied.

4. The decision to grant or deny an extension will be by exception only and on a case-by-case basis. An extension may be granted a maximum of three times for consecutive years. *The decision will be a DBHS Quality Management executive level decision.*
5. If the extension is granted, the timeline will be specified in the written certificate.
6. If the extension is denied, the staff classification of LPHA will be terminated.
7. To continue providing services, the provider agency may submit a request for the most appropriate classification for the staff, other than license waived.

Accrued Supervised Hours By Waived Staff:

- A. As mandated by the State Department of Health Care Services, counties are responsible for tracking license waived staff hours accrued annually toward licensure. The DBHS expects providers to meet all requirements of BBS supervision standards and record the accrued hours for each license waived staff.
- B. Providers shall develop and maintain logs documenting the hours accrued by each registered and waived staff member and provide appropriate supervision.
 1. Logs will be available to QM upon request.

Waiver Requests For Psychologists:

- A. An unlicensed psychologist who is employed by or under contract to provide DBHS services and is gaining experience for licensure as a Clinical Psychologist must be granted a waiver by the State Department of Health Care Services (DHCS) prior to performing duties of a Licensed Practitioner of the Healing Arts (LPHA). The maximum waiver period for psychologist is five years or three years for individuals recruited from outside of California who are license-ready. *The waiver period commences with the applicant's employment date, however, it is not effective until the Medi-Cal Oversight regional office receives the application. DHCS determines the start and end dates of the waiver. It may not be retroactive to the date of hire.*
- B. The following provisions must be met to be eligible for a waiver.
 1. Registered Psychologist (RPS)
 - a. Completed doctoral degree.
 - b. Register with Board of Psychology, *exception UCD Interns/Fellows.*
 - c. Complete DBHS Licensure Waiver Application for Psychologist.
 2. Psychological Assistants (PSB)
 - a. Completed doctoral degree.
 - b. Supervisor (employer) has registered the candidate with the Board of Psychology and remains in compliance with the provisions of the Psychology Licensing Law (Chapter 6.6 of the Business and Professions Code)
The candidate's registration will reflect the identified supervisor.
 - c. Remain, at all times, under supervision of a licensed psychologist or board certified psychiatrist.
 - d. Complete the DBHS Licensure Waiver Application for Psychologist.
- C. Licensure Waiver Application Process
 1. Complete the DBHS Licensure Waiver Application and forward to QM.
 - a. Signature of applicant

- b. Signature of clinical supervisor
 - c. Copy of applicant's degree or a letter from the applicant's alma mater specifying the date the applicant met all the requirements for the doctorate degree.
 - d. Copy of Registration or Proof of Registration
 - e. Copy of Resume
2. QM will complete the Mental Health Professional Licensing Waiver Request form provided by the State and submit the required documentation to DHCS within (2) two working days of receipt of a completed packet from requestor.
 3. QM will notify the provider when the waiver is granted or denied.
 - a. The waiver will be effective on the date specified by the DHCS.
 - b. The applicant may begin to provide services, functioning as an LPHA on the date the waiver is effective. *This is the date specified by DHCS.*
 4. If the waiver is denied, the applicant may not provide services as a license waived staff..
 - a. The provider agency may submit a request for the most appropriate classification for the staff, other than license waived.
 - b. The provider may elect to initially request the above classification until the waiver outcome is known. This would permit the individual to begin to provide services in that classification.
 5. The provider may under no circumstances establish waiver or extension dates for their own staff.
 6. The waiver is **not transferable** from one mental health plan to another. If an individual who obtained a waiver while working for one agency terminates employment and is subsequently hired by a second agency, or provides services for more than one MHP simultaneously, an application for a new waiver must be submitted by the second agency prior to allowing the candidate to begin work for which a license or waiver is required.
 7. Once a waiver is granted, the waiver period runs continuously to its expiration point unless a request is made to be terminated earlier.

Waiver Extension For Psychologist:

- A. The State Department of Health Care Services will consider a request for an additional period of time when documentation supports the presence of extenuating circumstances that have resulted in a significant amount of time away from work.
- B. The agency provider manager/director will submit to QM, a request for an extension indicating the reason and the amount of time the waived staff was away from work.
 1. Agency must submit prior to expiration of the original waiver.
 2. The waived staff may not provide services functioning as an LPHA if the waiver is expired for any length of time.
- C. QM will forward to the State Department Health Care Services
 1. Completed new Mental Health Professional Licensing Waiver Request form.

2. Cover letter specifying the reason for the extension and the length of the extension that will not exceed the length of time the waived staff was away from work.

REFERENCE(S)/ATTACHMENTS:

- WIC, §5751.2 (c), (d), and (e)
- DMH Notice No. 96-02, 96-03
- DMH Letter No. 10-03
- DHCS MHSUDS Information Notice 14-005
- Business and Professions Code §2902, 2909(d), 2913, and 4999.20, 4999.44-50
- SB 1478, Chapter 489, Statutes of 2016
- DHCS MHSUDS Information Notice 17-040
- AB 93
- BHIN-20-069-Mental-Health-Professional-Licensure-Waiver

RELATED POLICIES:

- No. 03-07 Staff Registration
- No. 05-02 Credentialing Policy for Organizational Providers and County Mental Health Programs

DISTRIBUTION:

Enter X	DL Name	Enter X	DL Name
X	Mental Health Staff		
	Mental Health Treatment Center		
X	Adult Contract Providers		
X	Children’s Contract Providers		
X	Substance Use, Prevention, and Treatment Services		
	Specific grant/specialty resource		

CONTACT INFORMATION:

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