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August 20, 2010

VIA OVERNITE EXPRESS

Robert Kahane, J.D.
Executive Officer
California Board of Psychology
2005 Evergreen Street, Suite 1400
Sacramento, CA 95815-3894



Re: Petition for Amendment of Regulations Pursuant to
CA Govt. Code § 11340.6

*Seeking Amendment to 16 C.C.R. § 1387(a)(9) to Allow Licensed Clinical
Social Workers and Licensed Marriage and Family Therapists to Accrue
Hours Towards a Psychologist's License*

Dear Mr. Kahane:

Pursuant to Government Code Section 11340.6, the undersigned, on behalf of Ricky Tovim, Psy. D., L.C.S.W., who wishes to obtain licensure as a psychologist, and others similarly situated, hereby petitions the Board of Psychology ("Board") to amend its regulations to allow persons who are licensed as Clinical Social Workers (LCSWs) or Marriage and Family Therapists (LMFTs) to accrue the two years of supervised professional experience required by Bus. & Prof. Code Section 2913 in order to sit for the psychology licensing examination, by performing psychological services under their current license.

(a) The substance or nature of the regulation, amendment, or repeal requested.

Current regulations, at 16 C.C.R. § 1387(a)(2), allow for persons to accrue hours of "supervised professional experience" ("SPE") postdoctorally, only if they are in a formal postdoctoral training program, are a "registered psychologist" (having certain specific other licensure, inapplicable to LCSWs and LMFTs), are an employee of certain exempt organizations or are working as a "psychological assistant." Section 1387(a) 9 provides: "SPE gained while

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the trainee is functioning in [sic] under another mental health license shall not be credited toward meeting the requirements for the psychologist's license." This means that an LCSW. or LMFT., however experienced, may not accrue hours towards a psychology license while performing psychological services under his or her current license, even though he or she is licensed to perform most of the same services that a psychologist performs and even though the work performed under these other licenses may be excellent preparation for licensure as a psychologist. Such a person might have to give up an established career to work in a government or nonprofit agency as a psychological assistant in order to obtain psychology licensure. For persons who are dependent on the income from their practices, this makes it almost impossible to accrue the hours necessary to sit for the psychology exam. This is not fair and serves no identifiable rational purpose, except to effectively exclude certain persons from being able to achieve licensure as a psychologist, despite having the requisite educational requirements.

Therefore, we are seeking an amendment to 16 C.C.R. § 1387 to eliminate the provision in Section (a)(9) that prohibits the crediting of SPE gained under a LCSW. or LMFT. license and whatever other amendments may be necessary to allow LCSWs. or LMFTs to accrue the hours necessary to sit for the psychology exam under their current licenses.

(b) The reason for the request.

Dr. Tovim's situation is a case in point. He graduated with a Master's in Social Work from the University of Southern California in 1987 and has been licensed as a clinical social worker since 1990. After working in an inpatient psychiatric setting for several years, he worked in an outpatient setting at San Fernando Valley Community Mental Health Services for approximately 10 years. In this position, he had extensive experience doing both group and individual psychotherapy with a chronically mentally ill population. In 2003, he joined a busy private practice owned by two psychiatrists, MCLA Psychiatric Medical Group ("MCLA") in Glendale, and has been working ever since performing individual psychotherapy and couples' counseling. He is certified in Cognitive Behavioral Therapy, which is the theoretical orientation that he principally uses with his patients. From 2004 to 2006, he attended Ryokan College in Los Angeles, a professional school of psychology, graduating with a Psy. D. degree in October 2006. He currently works 4 days a week at MCLA, seeing approximately 24 patients per week. From all this experience, he has honed his skills considerably and has become a capable and very experienced psychotherapist.

Although Dr. Tovim can perform his practice with his LCSW license, he would like to follow up on his Psy. D. degree by obtaining licensure as a psychologist, so that he could increase his fees, perform testing and possibly do court work. Further, he believes that the process of preparing for and taking the examination would further hone his skills. However, under the current regulations, it is practically impossible. There are psychologists and psychiatrists in his practice who would be willing to supervise him. But, the insurance

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companies that provide most of the reimbursement for the practice's patients will only reimburse for Dr. Tovim's services if provided under his LCSW license. If he gave up his license and worked only as a psychological assistant under the license of one of MCLA's psychologist, the insurance companies will not reimburse. Thus, the only way for him to get a position as a psychological assistant to accrue the required hours would be to give up his current, successful practice and try to get employment in a government or nonprofit agency in a lower position, and undoubtedly at lower compensation. Not only does Dr. Tovim rely on his current income level, but the extensive experience he obtains performing psychotherapy 24 hours or more per week is the best possible training to serve as the required SPE, quite likely better than the experience he might get in a nonprofit agency.

In addition to Dr. Tovim, there are undoubtedly others who are in a similar position, both LCSWs and LMFTs. There does not appear to be any rational reason why rules allowing LCSWs and LMFTs to accrue hours towards licensure under their current licenses would in any way diminish the requirements or lessen the standards for psychology licensure.

In fact, Dr. Tovim spoke to two different longtime employees of the Board (Lavinia F. Snyder, Licensing/Registration Program Coordinator and Jeffrey Thomas, Assistant Executive Officer), neither of whom were able to articulate any reason behind the current prohibition on accruing hours under these other licenses and who suggested that he petition the Board for a regulation change. Further, I have submitted Public Records Act requests to see if the regulatory history for this policy provided any insight into its purpose or the reasons why the policy was promulgated. No records in the possession of the Board shed any light on this. It appears that the policy was in place many years ago when psychology licensure was under the authority of the Board of Medical Quality Assurance. The policy was already in regulatory form prior to the creation of the Board. Thus, it does not appear that the Board of Psychology has ever even considered the merits of or necessity for this policy.

(c) Reference to the authority of the state agency to take the action requested.

Under Bus. & Prof. Code §2914(c), each applicant for licensure as a psychologist must engage for at least two years in SPE under the direction of a licensed psychologist, or under suitable alternative supervision, the specific requirements for which shall be defined by the Board in its regulations. Thus, the Board has extensive discretion in establishing the requirements for accrual of SPE. While Bus. & Prof. Code § 2913 sets forth the requirements for "psychological assistants," the Code does not provide that only psychological assistants may accrue SPE. The Board clearly has authority under the governing statutes to establish rules and regulations that are not inconsistent with the statutory requirements and that flesh out the rules for accrual of SPE. An amended regulation allowing for persons licensed as clinical social workers or marriage and family therapists to accrue SPE under their licenses (with proper supervision by a licensed psychologist and/or psychiatrist, of course) would be perfectly consistent with the statutory requirements.

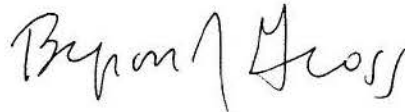
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Pursuant to Government Code § 11340.7, the Board is required to act on this petition within 30 days of receipt, either by denying the petition, with reasons provided in writing to the undersigned and provided to the Office of Administrative Law for publication in the California Regulatory Notice Register, or by scheduling the matter for public hearing in accordance with the requirements of Article 5, commencing with Section 11346, of the Government Code.

I thank you in advance for your consideration of this petition. If there are any questions, I can be reached as follows:

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Very truly yours,



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