



State of California—Health and Human Services Agency  
Department of Health Care Services



GAVIN NEWSOM  
GOVERNOR

DATE: December 11, 2020

Behavioral Health Information Notice No.: 20-069  
([Supersedes DMH Letter No. 10-03](#))

TO: California Alliance of Child and Family Services  
California Association for Alcohol/Drug Educators  
California Association of Alcohol & Drug Program Executives, Inc.  
California Association of DUI Treatment Programs  
California Association of Social Rehabilitation Agencies  
California Consortium of Addiction Programs and Professionals  
California Council of Community Behavioral Health Agencies  
California Hospital Association  
California Opioid Maintenance Providers  
California State Association of Counties  
Coalition of Alcohol and Drug Associations  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators

SUBJECT: Mental Health Professional Licensure Waiver

PURPOSE: This Behavioral Health Information Notice (BHIN) is to communicate eligibility, application requirements, and the approval process for securing a Professional Licensure Waiver (PLW) to provide mental health services per Welfare and Institutions Code (W&I Code) section 5751.2. Pursuant to W&I Code section 5751.2, subdivision (f)(1), the Department of Health Care Services (DHCS) has the authority to implement these requirements via issuance of this BHIN until regulations are adopted.

REFERENCE: Welfare and Institutions Code (W&I Code) Section 5751.2  
Title 9, California Code of Regulations, Section 1840.314  
Business and Professions Code Section 2914(b)-(d)  
Title 16, California Code of Regulations, Section 1387  
Assembly Bill (AB) 2253 (Low, Chapter 279, Statutes of 2020)

**BACKGROUND:**

DHCS is the single state entity that administers California's Medi-Cal program, which provides health services, including specialty mental health services (SMHS), to eligible populations. The Bronzan-McCorquodale Act (BMA) contains provisions governing the operation and financing of community mental health services for individuals diagnosed with mental illnesses in every county through locally administered and locally controlled community mental health programs.

Persons employed or under contract to provide Medi-Cal SMHS or mental health services under the BMA are subject to all applicable requirements of law regarding professional licensure. No person shall be employed in local mental health programs to provide services for which a license is required, unless the person possesses a valid license. As specified in W&I Code section 5751.2, subdivisions (d)-(e), DHCS may waive the professional licensure requirements for specified persons employed or under contract to provide Medi-Cal SMHS or mental health services under the BMA as psychologists, clinical social workers, marriage and family therapists, or professional clinical counselors.

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, are exempt from the requirements in W&I Code section 5751.2, subdivision (a). 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 Medi-Cal SMHS for a Mental Health Plan (MHP), or community mental health services under the BMA, as clinical social workers, marriage and family therapists, or professional clinical counselors are exempt from the requirements in W&I Code section 5751.2, subdivision (a). "Experience required for licensure" for purposes of this exemption means experience that meets the requirements of Business and Professions Code (Bus. & Prof. Code) sections 4996.23, 4980.43, or 4999.46, as applicable. Registration shall be subject to regulations adopted by the appropriate licensing board.<sup>1</sup> Waivered/Registered professionals may provide SMHS when supervised by a licensed mental health professional in accordance with law and regulations governing the registration or waiver.<sup>2</sup>

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<sup>1</sup> W&I Code, § 5751.2, subd. (b)-(c).

<sup>2</sup> Cal. Code Regs., tit. 9, § 1840.314(e)(1)(F).

POLICY:

**Waiver Eligibility**

PLWs are required for persons employed or under contract to provide Medi-Cal SMHS for a MHP or community mental health services under the BMA: 1) as psychologists who are gaining the “experience required for licensure”; or 2) as psychologists, clinical social workers, marriage and family therapists, or professional clinical counselors who have been recruited for employment from outside California and whose experience is sufficient to gain admission to a licensing examination. “Experience required for licensure” for purposes of waiver means experience that meets the requirements of Bus. & Prof. Code section 2914, subdivision (d).

Persons are subject to the PLW requirements found in W&I Code section 5751.2 and in this Information Notice only when engaged in a formal employee/employer or individual contractual relationship with a local mental health program, including a MHP or county mental health department, or their subcontractor. Students in formal graduate programs who are not employed or under contract with a local mental health program, as specified, may not be subject to these PLW requirements. This may include, for example, pre-doctoral students gaining “experience required for licensure” in a formal internship placement, as well as practicum-level students gaining experience required for graduate study, as long as they are not employed or contracted as described in section (1)(iii) below. Please note, providing services through a DHCS PLW waiver is only one way of obtaining predoctoral SPE to satisfy psychology licensing requirements.<sup>3</sup>

Upon application, DHCS shall grant a PLW to the following eligible individuals:

1. Unlicensed individuals who:
  - i. Have earned a doctorate degree from an accredited or approved university, college, or professional school as set forth under Bus. & Prof. Code section 2914, subdivisions (b)-(c), in the following subject areas: (1) psychology, (2) educational psychology, or (3) education with the field of specialization in counseling psychology or educational psychology; or
  - ii. Have completed at least a minimum of 48 semester/trimester or 72 quarter units of graduate coursework in psychology (not including thesis, internship or dissertation), as required by Title 16 of the California Code of Regulations (CCR), section 1387(a)(1), from an accredited or approved university, college, or professional school as set forth under Bus. & Prof. Code section 2914, subdivisions (b)-(c), in the following subject areas: (1) psychology, (2)

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<sup>3</sup> See Cal. Code Regs., tit. 16, § 1387.

educational psychology, or (3) education with the field of specialization in counseling psychology or educational psychology;

AND

- iii. Will be employed or under contract to provide Medi-Cal SMHS or community mental health services under the BMA as psychologists for the purpose of acquiring the supervised professional experience (SPE) required for licensure, as required by Bus. & Prof. Code section 2914, subdivision (d)(1) and CCR, Title 16, section 1387; and
- iv. Will provide Medi-Cal SMHS or community mental health services under the BMA under the clinical supervision of an approved licensed psychologist (or other supervisor approved by the Board of Psychology).

OR

- 2. Psychologists, clinical social workers, marriage and family therapists, or professional clinical counselors who:
  - i. Have been recruited for employment from outside of California, and whose experience is sufficient to gain admission to the appropriate California licensing examination for their profession;
  - ii. Will be employed or under contract to provide Medi-Cal SMHS or community mental health services under the BMA; and,
  - iii. Will provide Medi-Cal SMHS or community mental health services under the BMA under the clinical supervision of a licensed mental health professional in accordance with laws and regulations governing the waiver.

DHCS shall not accept waiver requests for individuals who are hired at facilities licensed by the California Department of Public Health (CDPH). Such waiver requests must be forwarded to CDPH for approval.

### **Waiver Duration**

PLWs granted by DHCS are valid for five (5) years from the first date of employment by, or contract with, a local mental health program, including a MHP or county mental health department, or their subcontractor, or until the individual seeking waiver obtains appropriate licensure, whichever occurs first.<sup>4</sup> PLWs cannot be extended beyond this five-year timeframe and must run continuously from the start date. The five-year term may not be postponed, paused, deferred, or otherwise suspended for any reason.

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<sup>4</sup> W&I Code, § 5751.2, subd. (d)-(e).

### **How to Apply**

The director or designee of a MHP or county mental health department may apply for a PLW. The employer may not allow an individual seeking a waiver to begin work for which a license or waiver is required until DHCS has approved the PLW application. Applicants must complete and submit [DHCS Form 1739](#) to the Department.

The applicant must also submit the following supporting documentation with their application, depending on which type of PLW is sought:

1. For individuals that are employed or under contract to provide Medi-Cal SMHS or community mental health services, and are working to complete their post-doctoral SPE as defined by CCR, Title 16, section 1387, subdivision (a)(2):
  - i. A certified copy of the individual's most current doctoral program transcript from an accredited or approved educational institution that meets the requirements within Bus. & Prof. Code section 2914, subdivisions (b)-(c). The transcript must include the individual's full name and demonstrate that the individual has completed the doctoral program.
2. For individuals that have completed 48 semester/trimester or 72 quarter units of graduate coursework in psychology (not including thesis, internship or dissertation), are employed or under contract to provide Medi-Cal SMHS or community mental health services, and are working to complete up to one year of pre-doctoral SPE as defined by CCR, Title 16, section 1387, subdivision (a)(1):
  - i. A certified copy of the individual's most current doctoral program transcript from an accredited or approved educational institution that meets the requirements within Bus. & Prof. Code section 2914, subdivisions (b)-(c). The transcript must include the individual's full name and demonstrate that the individual has completed a minimum of 48 semester/trimester or 72 quarter units of graduate coursework in psychology (not including thesis, internship or dissertation).
3. Psychologists, clinical social workers, marriage and family therapists, or professional clinical counselors who have been recruited for employment from outside of California, are employed or under contract to provide Medi-Cal SMHS or community mental health services, and whose experience is sufficient to gain admission to the appropriate California licensing examination for their profession:
  - i. Notification from the appropriate California licensing board that the individual has been accepted to sit for the applicable California licensing exam for their profession. A copy of the email from the licensing board

confirming the individual's licensing exam date is sufficient to meet this requirement.

The application and supporting documentation must be submitted via email to [MH LicensingWaivers@dhcs.ca.gov](mailto:MH LicensingWaivers@dhcs.ca.gov).

### **Application Review**

Upon receipt of the submitted application, DHCS will review the application and supporting documentation to ensure that all required information has been provided. Within two weeks of receipt of the application, DHCS will email applicants regarding any missing information or supporting documentation or with any questions DHCS has regarding the application. Applicants must provide DHCS with any missing information or documentation within thirty calendar days from the date of DHCS' request. If the applicant fails to submit all of the requested information and/or documentation within thirty calendar days, the PLW application will be denied. Applicants may submit another application in event of a denial and need not wait any period of time to do so. Within thirty calendar days of receipt of all required information and documentation, DHCS will validate the individual's eligibility, determine whether to approve or deny the application, and notify the applicant, the individual seeking a waiver, and the facility where the individual will be employed, in writing of the decision.

### **Appeal Process**

The MHP or county mental health department may appeal DHCS' denial of a PLW application. The appeal must be submitted to DHCS by email to [MH LicensingWaivers@dhcs.ca.gov](mailto:MH LicensingWaivers@dhcs.ca.gov) within thirty calendar days of receiving DHCS' notice of denial. The appeal must include an explanation of why the applicant believes DHCS erred in denying the PLW application and additional documentation to support the individual's educational experience or hours required for licensure. Within thirty calendar days of receipt of the appeal, DHCS will notify the applicant in writing whether the appeal has been approved or denied. DHCS' decision on the appeal is final. An applicant does not need to submit a new application while an appeal is pending.

### **Change in Employer**

If a waived individual changes employers, such as to another MHP or county mental health department, during the five-year waiver period, the MHP or county mental health department must submit a new waiver application, [DHCS Form 1739](#), to DHCS. The application must be approved by DHCS prior to the individual providing mental health services for which a license or waiver is required. Only the following information must be included on the application form: the applicant's full name, the employment/internship start date, the name of the county in which waived services will be provided, the

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contact information for the new employer in the event DHCS has questions about the PLW application, and the applicant's return address.

A change in employment will not affect the five-year waiver timeframe previously granted to the applicant. The five-year term does not start over when any new employment begins. If a waived individual changes employment within the same MHP or county mental health department network, DHCS does not need notification of this change, and a new [DHCS Form 1739](#) does not need to be submitted or approved.

Please send any questions regarding this BHIN to [MH LicensingWaivers@dhcs.ca.gov](mailto:MH LicensingWaivers@dhcs.ca.gov).

Sincerely,

Original signed by

Marlies Perez, Chief (Acting)  
Medi-Cal Behavioral Health Division