



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, Sacramento, CA 95814
(916) 654-2309

December 20, 2002

DMH LETTER NO.: 02-09

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: PROFESSIONAL LICENSING WAIVER REQUIREMENTS

REFERENCE WELFARE AND INSTITUTIONS CODE SECTION 5751.2 AND
DMH INFORMATION NOTICE NO. 96-02

The purpose of this letter is to provide counties with 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.

Although these statutes were enacted in 1995 and became effective on January 1, 1996, significant concerns have been expressed due to misunderstandings regarding the application of these requirements.

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.

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.



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- This applies regardless of payer source.
- This does not apply to persons employed by or under contract to health facilities licensed by the Department of Health Services. Waiver requests for these persons should be directed to the Department of Health Services.
- The phrase “Mental Health Services” in this section refers to those types of treatment and services that require the practitioner to hold a license.
- Currently, while a licensed psychologist from another state is permitted to practice for a period of time in California without a California license or waiver, the same sort of "grace period" is not available to licensed social workers or marriage and family therapists from another state. Local programs should check with the appropriate licensing board for current statutory language.

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).

- Referred to sometimes as the “grandfather clause,” this person would need to be employed in the same position and facility as 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)--formerly known as marriage, family, and child counselor—candidates do not need a waiver, nor can one be obtained. (See exception under paragraph (e) below for license-ready persons recruited from out-of-state.)
- Each LCSW and MFT candidate is to remain registered with her/his licensing board until such time the candidate is licensed.
- 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.
- A waiver is not required, nor can one be obtained, prior to the date the candidate has completed all the requirements for the doctorate degree pursuant to California Code of Regulations, Title 16, Section 1387(a)(2).

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 Ph.D., LCSW, or LMFT candidate must be recruited from out of state and have sufficient experience that registration with the applicable licensing board is not required.
- The only impact this section has on a psychologist candidate's waiver is the length of the waiver period—three years rather than five years.

Waiver requests should be sent to your regional Medi-Cal Oversight office listed below:

Medi-Cal Oversight—Northern Region
1600 9th, Street, Room 250
Sacramento, CA 95814
Attn: Cathy Bishop
(916) 657-5102

Medi-Cal Oversight—Southern Region
11401 South Bloomfield, Unit 203
Norwalk, CA 90650
Attn: Kathy Schramm
(562) 868-2273

Please use the Professional Licensing Waiver Request form appropriate for each region. These forms can be downloaded from the DMH Internet website at www.dmh.cahwnet.gov.

If you have any questions regarding this matter, please contact Tom Burke, Chief, Medi-Cal Oversight, Southern Region at (562) 868-2275.

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Sincerely,

Original signed by Wm. DAVID DAWSON for

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosures (2)