



DATE: August 29, 2024

Behavioral Health Information Notice No.: 24-033
(Supersedes [BHIN 20-069](#))

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: To provide updated 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) section 5751.2.

REFERENCE: W&I Section 5751.2
Title 9, California Code of Regulations (CCR), Section 1840.314
Business and Professions Code Section 2914(b)-(d) Title 16,
California Code of Regulations, Section 1387

BACKGROUND:

The Department of Health Care Services (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. Pursuant to W&I section 5751.2, subdivision (f)(1), DHCS has the authority to implement these requirements via issuance of this Behavioral Health Information Notice (BHIN) until regulations are adopted.

Persons employed or under contract with the Mental Health Plan (MHP), Local Mental Health Department (LMHD), or provider subcontracting with the MHP or LMHD to provide mental health services are subject to all applicable requirements of law regarding professional licensure. "Local Mental Health Department" means a city or county entity that administers locally controlled community mental health programs pursuant to Part 2 (commencing with Section 5600) of Division 5 of the W&I. "Mental health services" means specialty mental health services as defined in Title 9 California Code of Regulations Section 1810.247 or community mental health services (hereinafter referred to as mental health services) provided under Part 2 (commencing with Section 5600) of Division 5 of the W&I. 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 section 5751.2, subdivisions (d)-(e), DHCS may waive the professional licensure requirements for specified persons employed or under contract with the MHP or provider subcontracting with the MHP to provide mental health services, or an LMHD or a provider subcontracting with the LMHD, to provide 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 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 with the MHP, LMHD, or provider subcontracting with the MHP or LMHD to provide 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 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.¹ Waivered/Registered professionals may provide SMHS when supervised by a licensed mental health professional in accordance with laws and regulations governing the

¹ W&I, § 5751.2, subd. (b)-(c).

registration or waiver.²

POLICY:

Waiver Eligibility

PLWs are required for persons employed or under contract with the MHP, LMHD, or provider subcontracting with the MHP or LMHD to provide 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 an experience that meets the requirements of Bus. & Prof. Code section 2914, subdivision (d).

Persons are subject to the PLW requirements found in W&I section 5751.2 and in this BHIN only when engaged in a formal employee/employer or individual contractual relationship with a local mental health program, including a MHP or LMHD, or provider subcontracting with the MHP or LMHD. 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. Providing services through a DHCS PLW is only one way of obtaining predoctoral supervised professional experience (SPE) to satisfy psychology licensing requirements.³

DHCS shall grant a PLW to the following eligible individuals:

1. Unlicensed individuals who:
 - i. Will be employed or under contract with the MHP or LMHD or provider subcontracting with the MHP or LMHD to provide mental health services under the BMA as psychologists for the purpose of acquiring the SPE required for licensure, as required by Bus. & Prof. Code section 2914, subdivision (d)(1) and CCR, Title 16, section 1387; and
 - ii. Will provide mental health services under the BMA under the clinical supervision of an approved licensed psychologist (or other supervisor approved by the Board of Psychology).

² CCR, tit. 9, § 1840.314(e)(1)(F).

³ See CCR, tit. 16, § 1387.

AND

- iii. 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
- iv. 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 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) educational psychology, or (3) education with the field of specialization in counseling psychology or educational 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 employed or under contract with the MHP or LMHD or provider subcontracting with the MHP or LMHD to provide mental health services under the BMA; and
 - ii. Have the minimum amount of professional experience, to gain admission to the applicable California licensing examination for their profession.

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 submitted 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 LMHD, or provider subcontracting with the MHP or LMHD, unless the individual seeking waiver obtains appropriate licensure prior to the expiration of the five (5) year-waiver timeframe.⁴ PLWs cannot be extended beyond this five (5) year timeframe and must run continuously from the start date. The five (5) year term may not be backdated, postponed, paused,

⁴ W&I, § 5751.2, subd. (d)-(e).

deferred, or extended for any reason.

How to Apply

The director or designee of a MHP or LMHD may apply on behalf of an individual seeking a PLW. The employer shall not allow an individual seeking a waiver to provide mental health services for which a license or PLW is required until the individual has obtained an approved PLW.

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 with the MHP, LMHD, or provider subcontracting with the MHP or LMHD to provide 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, name of the institution, and demonstrate that the individual has completed the doctoral program.
2. For individuals that have completed the minimum 48 semester/trimester or 72 quarter units of graduate coursework in psychology (not including thesis, internship or dissertation), are employed or under contract with the MHP, LMHD, or provider subcontracting with the MHP or LMHD to provide 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, name of the institution, the doctoral program in progress, 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 with the MHP, LMHD, or provider subcontracting with the MHP or LMHD to provide mental health services, and whose experience is sufficient to gain admission to the appropriate California licensing examination for their profession:

- i. Evidence of the issued license that includes the individual's full name, license number, and name of the state they are licensed in.
- ii. Evidence 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. Additional information regarding the PLW and the DHCS Form 1739 can be found on DHCS' website at: www.dhcs.ca.gov/services/MH/Pages/MHPLW.aspx.

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 thirty (30) calendar days of receipt of the application, DHCS will email applicants regarding any missing information or supporting documentation or any questions DHCS has regarding the application or with confirmation that the application is complete and has been accepted for review. Applicants must provide DHCS with any missing information or documentation within thirty (30) calendar days from the date of DHCS' request. If the applicant fails to submit all of the requested information and/or documentation within thirty (30) calendar days, the PLW application will be denied. Applicants may submit another application in the event of a denial and need not wait any period of time to do so. Within thirty (30) 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 and the individual seeking a waiver in writing of the decision. While the application is under review, the new MHP or LMHD shall not allow a waived individual to provide mental health services, where a professional licensure waiver is required.

Appeal Process

The MHP or LMHD may appeal DHCS' denial of a PLW application. The appeal must be submitted to DHCS by email to MH LicensingWaivers@dhcs.ca.gov within thirty (30) calendar days of receiving DHCS' notice of denial. The appeal must include an explanation stating the reasons why the appeal should be granted, a statement of fact(s), and any related documentation supporting the appeal. DHCS will not process an appeal filed due to an applicant's error in the application or failure to comply with the requirements listed in the Waiver Eligibility section of this BHIN. Within thirty (30) calendar days of receipt of the appeal, DHCS will notify the applicant in writing whether the appeal has been approved or denied and, if denied, the reasons for denial. DHCS'

decision on the appeal is final.

Change in Employer

If a waived individual changes employers, such as to a new MHP, LMHD, or provider subcontracting with a new MHP or LMHD, during the five-year waiver period, the director or designee of the new MHP or LMHD shall submit a new waiver application ([DHCS Form 1739](#)) to DHCS. While the application is under review, the new MHP or LMHD shall not allow a waived individual to provide mental health services, where a professional licensure waiver is required. The following information must be included on the application: the MHP or LMHD information, the individual's information, and information regarding when and where the PLW was previously issued. A change in employment will not affect the five-year waiver timeframe previously granted to the waived individual. The five-year term does not start over when any new employment begins. If a waived individual changes positions within the same MHP or LMHD, DHCS does not need notification of this change, and a new [DHCS Form 1739](#) is not required.

Please send any questions regarding this BHIN to MH LicensingWaivers@dhcs.ca.gov.

Sincerely,

Original signed by

Michele Wong, Division Chief
Medi-Cal Behavioral Health – Oversight and Monitoring Division