



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, Room 410, Sacramento, CA 95814  
(916) 654-2309

June 16, 2010

DMH LETTER NO.: 10-03

TO: LOCAL MENTAL HEALTH DIRECTORS

SUBJECT: PROFESSIONAL LICENSING WAIVER REQUIREMENTS

REFERENCE: WELFARE AND INSTITUTIONS CODE SECTION 5751.2

The purpose of this letter is to provide counties with updated 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*.

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 in bulleted form.

*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.
- This applies regardless of payer source.
- This does not apply to persons employed by or under contract to health facilities licensed by the California Department of Public Health. Waiver requests for these persons should be directed to the California Department of Public Health.
- The phrase “Mental Health Services” in this section refers to those types of treatment and services that require the practitioner to hold a license.

*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).*

- In order to qualify under this section, an individual would need to be employed in the same position and facility in which 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) candidates do not need a waiver, nor can one be obtained. (See the exception to this statement under Section 5751.2 (e) below for license-ready persons recruited from outside California.)
- Each LCSW and LMFT candidate is to remain registered with her/his licensing board until such time as the candidate is licensed. As stated in the statute, such registration shall be subject to regulations adopted by the appropriate licensing board.
- 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.
- In order to be eligible for such a waiver, the psychologist candidate must have successfully completed 48 semester/trimester or 72 quarter units of graduate coursework, not including thesis, internship or dissertation. An official copy of a transcript reflecting completion of this coursework requirement must be submitted with the waiver application.
- There is no statutory provision for extension of psychologist candidate waivers beyond the five-year limit.

*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 psychologist, LCSW, or LMFT candidate must be recruited from outside California and have sufficient experience to gain admission to the appropriate licensing examination. For applicants in this category, a letter from the appropriate California licensing board which states that the applicant has sufficient experience to gain admission to the licensing examination must be included with the waiver application.

The following general points should be noted:

- Mental Health Plans (MHPs) should submit and receive approval for waivers under subdivisions 5751.2(d) [psychologist candidates] and 5751.2(e) [candidates recruited from outside California whose experience is sufficient to gain admission to the appropriate licensing examination] prior to allowing candidates to begin work for which a license or waiver is required.
- Waivers are not transferable from one MHP to another. If an individual who obtained a waiver while working for one MHP terminates employment and is subsequently hired by a second MHP, an application for a new waiver must be submitted by the second MHP prior to allowing the candidate to begin work for which a license or waiver is required.
- Once a waiver is granted, the waiver period runs continuously to its expiration point unless the MHP requests that it be terminated earlier.

Waiver requests should be sent to:

California Department of Mental Health  
Medi-Cal Oversight-North Branch  
Professional Licensing Waiver Unit  
1600 Ninth Street, Room 410  
Sacramento, CA 95814

Please use the Professional Licensing Waiver Request form [available](#) on the DMH internet website at [www.dmh.ca.gov](http://www.dmh.ca.gov).

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Any questions concerning professional licensing waivers may be directed to:

California Department of Mental Health  
Medi-Cal Oversight Branch  
Professional Licensing Waiver Unit  
(916) 651-3838

Sincerely,

Original Signed by

STEPHEN W. MAYBERG, Ph.D.  
Director

Enclosure (1)