



Monterey County Behavioral Health Policy and Procedure

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| Policy Number | 107 |
| Policy Title | Licensure Requirements and Verification of Licensure |
| References | <ul style="list-style-type: none"> • California Business and Professions Code Sections 2000-2521 • California Business and Professions Code Sections 2570-2571 • California Business and Professions Code Sections 2700-2838.4 • California Business and Professions Code Sections 2840-2895.5 • California Business and Professions Code Sections 2900-2999 • California Business and Professions Code Sections 3500-3546 • California Business and Professions Code Sections 3600-3686 • California Business and Professions Code Sections 4500-4620 • California Business and Professions Code Sections 4980-4989 • California Business and Professions Code Sections 4991-4998.5 • California Business and Professions Code Sections 4999.10-4999.129 • California Welfare & Institutions Code Section 5751.2 • California Department of Mental Health (CA DMH) Letter 10-03 |
| Form | California Department of Health Care Services Mental Health Professional Licensing Waiver Request |
| Effective | September 8, 1986 Revised: August 15, 1997 Revised: April 16, 2003 Revised: March 27, 2006 Revised: April 1, 2007 Revised: January 8, 2014 Revised: August 28, 2014 Revised: September 25, 2014 |

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Policy

Licensing Requirement

All providers employed or contracted by Monterey County Behavioral Health (MCBH) and its contracted providers to provide any behavioral health services (mental health and/or substance abuse) for which a professional license is required must:

- Be licensed by their respective California licensing board of jurisdiction;
- Be license eligible professionals registered with their respective California licensing board of jurisdiction for the purpose of acquiring the experience required for licensure as permitted by law); and/or
- Waivered professionals.
 - Out-of-state licensed professionals must obtain the required waiver from the appropriate oversight agency (i.e., out-of-state licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional clinical counselors must

15 obtain a waiver from the California Department of Health Care Services in cooperation with
16 MCBH Quality Improvement).

- 17 ○ *Each psychologist candidate who meets the minimum requirements specified by statute or*
18 *regulation must obtain a waiver even if he/she is registered with his/her licensing board (See*
19 *Policy 143 – Psychologist Waiver and Licensure Requirements).*

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21 Providers are subject to all applicable requirements, statutes, and regulations regarding their specific
22 professional licensure, including practicing within the scope of professional competence (see [Policy 443 – Scope](#)
23 [of Practice](#)).

24 25 Verification

26 It is the policy of MCBH to verify licensure and registration status on an ongoing basis utilizing the specific
27 licensure board of jurisdiction's online verification system. MCBH also reserves the right to verify the provider's
28 licensure or registration by requesting physical copies of licenses and registrations.

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30 Physical copies of waivers granted by licensing board of jurisdiction or the California (CA) Department of Health
31 Care Services (DHCS) to providers must be submitted to MCBH Quality Improvement (QI) no later than 5
32 business days from when the provider receives the waivers if the waiver is not issued directly to MCBH.

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34 Providers are not to engage in and bill any behavioral health services for which licensure is required until
35 licenses, registrations, and/or waivers can be verified.

36 37 Failure to Provide Verification of Licensure, Registration, and/or Waiver

38 Physical copies of licenses, registrations, and/or waivers can be requested by MCBH QI, MCBH Administration,
39 and/or Monterey County Health Department Human Resources (HR) at any time and must be submitted within 5
40 business days from the time of the initial request.

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42 Failure to provide physical copies of licenses, registrations, and/or waivers within 5 business days from the time
43 of initial request will, at minimum, result in the individual provider immediately:

- 44 1) Stopping the provision of behavioral health services *for which a license, registration, or waiver is*
45 *required; and*
- 46 2) Ceasing to bill for these types of services. *This applies regardless of the payer source for the services.*

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48 For medical providers (e.g., medical doctors, doctors of osteopathy, physician assistants, licensed nurses), the
49 provider will immediately cease all levels of services, even those not requiring licensure.

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51 For all other professional classifications requiring licensure, registration, or waivers, MCBH will then evaluate on
52 a case-by-case basis if the individual provider can continue to provide any behavioral health services for which a
53 licensure is **not** required. Once the determination is made that a provider member can continue to provide
54 behavioral health services for which a licensure is not required, the provider can resume providing and billing for
55 *these services only* after they are notified by MCBH QI.

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57 MCBH Administration, Monterey County Health Department HR, and/or any relevant contract monitor will be
58 informed of the situation to determine if additional action is to be taken if the failure to provide the requested
59 information persists for more than 5 business days from the time of the initial request.

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61 Providers will be informed by MCBH QI that they can resume providing and billing behavioral health services for
62 which licensure is required after MCBH QI receives a valid copy of the provider's license, registration, and/or
63 waiver.

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Credentialing Reciprocity

If an MCBH contract provider has credentialing processes that meets or exceeds the standards set by MCBH's license verification policy and procedures, MCBH may, at its own discretion, accept the contract provider's credentialing in lieu of conducting its own license verification. However, even if MCBH accepts the contract provider's credentialing of their providers, MCBH reserves the right to conduct its own license verification as outlined in this policy.

Obtaining Waivers

Certain out-of-state licensed professionals may obtain waivers from the appropriate State of California regulatory agency if they meet statutory and/or regulatory minimums. For example, out-of-state licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional clinical counselors may obtain waivers from the CA DHCS. Psychologist candidates not in possession of a valid CA license must also obtain a waiver from the CA DHCS. These waivers allow them to practice similar to equivalent licensed professionals in CA, often times under supervision requirements determined by statute and/or regulation, until they obtain an equivalent CA license.

A waiver issued to an out-of-state licensed professional or psychology candidate while employed and/or gaining experience at a different mental health plan or organization typically cannot be accepted and utilized by MCBH. A new waiver generally needs to be obtained from the appropriate CA regulatory agency. Waivers obtained by providers for placement, internship, or employment at another organization will be reviewed by MCBH QI to determine if a new waiver is required.

The out-of-state licensed professional or psychologist candidate and their supervisor/manager will contact MCBH QI to begin the process of obtaining a waiver immediately upon the commencement of their placement, internship, employment, etc. with MCBH. Failure to do so will be an issue immediately directed to and addressed by MCBH Administration and/or Monterey County Health Department Human Resources.

All providers are expected to fully cooperate with MCBH QI to compile all the requirements (i.e., documents) for the waiver process. The waiver process generally requires that the out-of-state licensed professional or the psychologist candidate provide MCBH QI, at a minimum, a copy of their current transcript and resume. Other items may be required. MCBH QI will not obtain these items from any other sources, such as from Monterey County Health Department Human Resources, so they must be provided directly to MCBH QI unless it is absolutely required by law for MCBH QI to acquire them directly.

Once all necessary materials are gathered by MCBH QI from the out-of-state licensed professional or the psychologist candidate, MCBH QI will forward the required materials to the CA DHCS and inform the out-of-state licensed professional or the psychologist candidate and their supervisor/manager once the waiver is received.

The CA DHCS Mental Health Professional Licensing Waiver Request can be viewed or obtained at http://www.dhcs.ca.gov/formsandpubs/forms/Forms/Mental_Health/DHCS_1739.pdf or by conducting a search on the CA DHCS website (<http://www.dhcs.ca.gov>) for "Mental health Professional Licensing Waiver."

Review MCBH Policy 143 - Psychologists Waivers and Licensure Requirements for additional information regarding licensure and waivers for psychologists.

Once obtained, MCBH expects that the out-of-state licensed professional will obtain a CA license within a timeframe not to exceed the duration of the CA DHCS waiver.

113 Again, it is important to note that the out-of-state licensed professional or the psychologist candidate must not
114 provide and bill for services in which a waiver is required until the actual waiver from CA DHCS is received by
115 MCBH QI.
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117 Removal or Loss of License, Registration, and/or Waiver

118 The following circumstances, at minimum, will result in the individual staff immediately stopping the provision of
119 mental health services for which licensure is required and billing for such services:

- 120 a. Inability to obtain licensure from the board of jurisdiction in the time frame specified by the licensure board
121 of jurisdiction;
- 122 b. Failure to provide written proof of an extension of registration status granted by the licensure of board of
123 jurisdiction in a timely manner;
- 124 c. The loss for any reason of an individual staff member's registration with the licensure board of jurisdiction;
- 125 d. The loss for any reason of licensure from the board of jurisdiction;
- 126 e. The expiration of an approved waiver;
- 127 f. The removal of an approved waiver by the DHCS – Mental Health.

128 MCBH will then evaluate on a case-by-case basis if the individual staff can continue to provide any mental health
129 services for which a licensure is not required. MCBH Administration, Monterey County Health Department Human
130 Resources, and/or any relevant contract monitor will be informed of the situation.
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132 Individual staff members must report in writing to their immediate supervisor and MCBH QI the removal or loss of
133 professional licensure, registration, and/or waiver immediately after learning of such an event.