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



ARNOLD SCHWARZENEGGER
Governor

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AFL 09-08

TO: All State and Other Governmental Health Facilities Licensed by the California Department of Public Health, Center for Health Care Quality, Licensing and Certification Program

SUBJECT: Granting Waivers for Professional Licensure

AUTHORITY: Health & Safety Code (HSC) Section 1277

HSC § 1277 requires the department to grant waivers for persons in the professions of psychology, marriage and family therapy or clinical social work who are not yet professionally licensed, to be employed by the state and other governmental health facilities licensed by the state department, while gaining qualifying experience for licensure in such profession in this state or who has been recruited from outside the state and whose experience is sufficient to gain admission to a licensing examination.

Statutory Requirements:

For those gaining qualifying experience:

HSC § 1277(b): “A waiver granted pursuant to this subdivision shall not exceed three years from the date the employment commences in this state in the case of psychologists, or four years from commencement of the employment in this state in the case of marriage and family therapists and clinical social workers, at which time licensure shall have been obtained or the employment shall be terminated except that an extension of a waiver of licensure for marriage and family therapists and clinical social workers may be granted for one additional year, based on extenuating circumstances determined by the department pursuant to subdivision (e).”

For those recruited for employment from outside this state:

HSC § 1277(b) “A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain

admission to a licensing examination shall nevertheless have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of his or her employment, and if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the next possible examination, subject to the one-year limit for marriage and family therapists and clinical social workers, and subject to a two-year limit for psychologists.”

HSC § 1277(d) “Except for psychologists, the department may grant an extension of a waiver of licensure for personnel recruited from outside this state for one additional year, based upon extenuating circumstances as determined by the department pursuant to subdivision (e).”

Extenuating Circumstances:

HSC § 1277(e)

- (1) “The person requesting the extension has experienced a recent catastrophic event which may impair the person’s ability to qualify for and pass the license examination. Those events may include, but are not limited to, significant hardship caused by a natural disaster, serious and prolonged illness of the person, serious and prolonged illness or death of a child, spouse, or parent, or other stressful circumstances.”
- (2) “The person requesting the extension has difficulty speaking or writing the English language, other cultural and ethnic factors exist which substantially impair the person’s ability to qualify for and pass the license examination.”

Extensions sought pursuant to Section (e) (1) and (2) must be requested by the person specified in the waiver.

This statute also addresses employment of less than full time:

HSC § 1277(b) For persons in these positions “...less than full time, an extension of the waiver of licensure may be granted for additional years proportional to the extent of part-time employment as long as the person is employed without interruption in service, but in no case shall the waiver of licensure exceed six years in the case of clinical social workers and marriage and family therapists or five years in the case of psychologists.”

Active candidates in doctoral degree programs in social work, social welfare, or social science:

HSC § 1277(b) “However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science, who are enrolled at an accredited university, college, or professional school, but these limitations shall apply following completion of this training. Additionally, this durational

limitation upon waivers shall not apply to active candidates for a doctoral degree in marriage and family therapy who are enrolled at a school, college, or university, specified in subdivision (a) of Section 4980.40 of the Business and Professions Codes, but the limitations shall apply following completion of the training.

The State Facilities Unit (SFU) of the Licensing and Certification (L&C) Program of the California Department of Public Health (CDPH) will be responsible for issuing the letters granting waivers, pursuant to HSC § 1277(b) and (d), for all eligible facilities. Any state operated health facility or other governmental health facility licensed by CDPH, L&C, may submit a written request to SFU once a start date has been established for the employee needing the waiver.

Written requests should be submitted to:

California Department of Public Health
Center for Health Care Quality
Licensing & Certification Program
State Facilities Unit
P.O. Box 997377, MS 3800
Sacramento, CA 95899-7377

The written letter response from the SFU will be the facility's documentation of the waiver approval or denial. Responses to extension requests will also be delivered in written letter format, sent to the requester approving or denying the request, with a copy sent to the requester's health facility of employment.

The information in this All Facilities Letter is a brief summary of HSC § 1277. Facilities are responsible for following all applicable laws. CDPH's failure to expressly notify facilities of legislative changes does not relieve facilities of their responsibility for following all laws and for being aware of all legislative changes. Facilities should refer to the full text of HSC § 1277 to ensure compliance.

For questions, the point of contact at CDPH is Robert Kennard, Manager, State Facilities Unit, at Robert.Kennard@cdph.ca.gov or phone (916) 552-8733.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

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