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Director & State Health Officer

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



EDMUND G. BROWN JR.  
Governor

## AFL REVISION NOTICE

Subject: Granting Waivers or Extensions for Professional Licensure of Employees at State or Other Governmental Licensed Health Facilities

Revision To: AFL 09-08

Revision Date: September 11, 2012

Attachment: AFL 12-37

This notice is to inform you that the California Department of Public Health has revised All Facilities Letter (AFL) 09-08. The attached AFL 12-37 supersedes AFL 09-08 and is issued to reflect recent statutory changes, effective January 1, 2012, which added professional clinical counselors to the categories of licensed professionals who qualify for waivers, and to update the State Facilities Unit (SFU) contact information.

Please review the AFL and contact Diana Noffke at (707) 576-2568 or via email at [Diana.Noffke@cdph.ca.gov](mailto:Diana.Noffke@cdph.ca.gov) if you have further questions.



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September 11, 2012

AFL 12-37  
 (supersedes AFL 09-08)

**TO:** All State and Other Governmental Health Facilities Licensed by the California Department of Public Health (CDPH), Licensing and Certification Program (L&C)

**SUBJECT:** Granting Waivers or Extensions for Professional Licensure of Employees at State or Other Governmental Licensed Health Facilities

**AUTHORITY:** Health & Safety Code (HSC) Section 1277

State law requires state and other governmental health facilities to be in compliance with all of the standards of licensure applicable to their licensure category, including those related to professional and nonprofessional staffing. However, state law also allows the department to waive the professional licensure requirements for psychologists, marriage and family therapists, clinical social workers, and, effective January 1, 2012, professional clinical counselors working in state and other governmental health facilities licensed by L&C. The specific circumstances in which such waivers may be granted are outlined below.

**For those gaining qualifying experience:**

State law allows L&C to waive the licensure requirement for psychologists, marriage and family therapists, clinical social workers, and professional clinical counselors working in a state or other governmental licensed health facilities in order to gain qualifying experience.

Professional title	Period of licensure waiver	
	For full-time employment	For less than full-time employment (not to exceed)
Marriage and Family Therapist (MFT)	4 years	6 years
Clinical Social Worker (CSW)	4 years	6 years
Professional Clinical Counselor (PCC)	4 years	6 years
Psychologist	3 years	5 years

At the conclusion of the period of waiver, the candidate must have obtained licensure, or shall be terminated, unless they qualify for a one year waiver extension, based on the extenuating circumstances described below.

**For those recruited for employment from outside this state:**

L&C shall waive the licensure requirement for psychologists, MFTs, CSWs, and PCCs recruited from outside of California, whose experience qualifies them for admission to the appropriate licensing examination, for:

- One (1) year from the date of their employment in California for MFTs, CSWs, and PCCs, and
- Two (2) years from the date of employment for psychologists.

After the period of waiver concludes, licensure shall have been obtained or the employment shall be terminated. MFTs, CSWs and PCCs may qualify for a licensure waiver extension of one (1) additional year, based upon extenuating circumstances, as described below.

**Extenuating Circumstances:**

The extenuating circumstances, under which the department shall grant the extension of a licensure waiver as allowed above, are prescribed in statute as follows:

- (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.
- (3) The person requesting the extension has experienced other personal hardship, which CDPH, in its discretion, determines warrants an extension.

**Active candidates in doctoral degree programs:**

The durational limits to the licensure waiver as described above shall not apply to active candidates for doctoral degree programs in any of the following:

- Social work, social welfare, or social science, at an accredited university, college, or professional school.
- Marriage and family therapy at a school, college or university specified in subdivision (b) of Section 4980.36 or, or subdivision (b) of Sections 4980.37 of, the Business and Professions Code.
- Professional clinical counseling at a school, college or university specified in subdivision (b) of Section 4999.32 of, or subdivision (b) of Section 4999.33 of, the Business and Professions Code.

However, the duration of licensure waiver limitations provided above shall apply following completion of this training.

**Process for requesting a waiver or waiver extension:**

State and other governmental licensed health facilities are responsible for ensuring their compliance with the staffing requirements of health facility licensure. Accordingly, requests for the waiver of an individual employee's professional licensure, or for a specific individual's waiver extension, should typically be made by the hiring facility; however, an individual in need of licensure waiver or extension may also make the request.

Requests for waivers or waiver extensions must be made in writing to the L&C State Facilities Unit (SFU). Each request should describe the candidate's qualifications for waiver or waiver extension and include the employee's start date and mailing address. When submitted by an individual, rather than by the hiring facility, the request must also be accompanied by proof of current employment at a state or other governmental licensed health facility.

Written waiver and waiver extension 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 SFU will respond to all waiver or waiver extension requests in writing to both the employing facility and the affected individual. Facilities should keep this document on file to serve as documentation of the approval or denial.

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. Facilities should refer to the full text of HSC Section 1277 to ensure compliance.

Questions regarding this AFL may be directed the SFU Manager, Diana Noffke, RN, at [Diana.Noffke@CDPH.ca.gov](mailto:Diana.Noffke@CDPH.ca.gov) or by phone at (707) 576-2568.

Sincerely,

**Original signed by Debby Rogers**

Debby Rogers, RN, MS, FAEN  
Deputy Director  
Center for Health Care Quality