



SECTION 5, CHAPTER 1, POLICY 023

OVERSIGHT OF NON-LICENSED STAFF

PROVIDING SPECIALTY MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES

POLICY NUMBER:	5-1-023
SYSTEM OF CARE:	BEHAVIORAL HEALTH
FINALIZED DATE:	06/11/2024
EFFECTIVE:	06/01/2024
SUPERSEDES #:	N/A

A. PURPOSE: To establish a policy for verification of direct oversight as required for designated Specialty Mental Health (SMH) and Substance Use Disorder (SUD) service providers consistent with state and federal requirements.

B. RELATED DOCUMENTS:

- a. Attestation For Oversight of Non-Licensed Staff

C. DEFINITIONS:

- a. **Clinical Trainee (Graduate Student Intern):** An unlicensed individual who is enrolled in a post-secondary educational degree program in the State of California that is required for the individual to obtain licensure as a Licensed Mental Health Professional (LMHP) or Licensed Practitioner of the Healing Arts (LPHA) ; is participating in a practicum, clerkship, or internship approved by the individual’s program; and meets all relevant requirements of the program and/or applicable licensing board to participate in the practicum, clerkship or internship and provides rehabilitative mental health services or substance use disorder treatment services, including, but not limited to, all coursework and supervised practice requirements.
 - i. The scope of practice depends on the particular program in which the student or trainee is enrolled and the requirements for that particular program, including any scope, supervision, or registration requirements set forth in the Business and Professions Code or associated regulations.

- ii. In accordance with the Business and Professions Code, the Board of Psychology, and the Board of Behavioral Sciences, non-licensed trainees, interns, and assistants must be under the immediate supervision of a LMHP or LPHA who meets the minimum qualifications to supervise and shall be responsible for ensuring that the extent, kind, and quality of the services performed are consistent with his or her training and experience and be responsible for his or her compliance with applicable state law.

- b. **Licensed Mental Health Professional (LMHP):** LMHP means licensed physicians, licensed psychologists, Licensed Clinical Social Workers (LCSW), Licensed Marriage and Family Therapists (LMFT), Licensed Professional Clinical Counselors (LPCC), Registered Nurses (RN) (includes Certified Nurse Specialists and Nurse Practitioners), providing and directing others in providing SMHS within their respective scope of practice.

- c. **Licensed Practitioner of the Healing Arts (LPHA):** Physicians, Nurse Practitioners, Physician Assistants, Registered Nurses, Registered Pharmacists, Licensed Clinical Psychologist (LCP), LCSW, LPCC, LMFT, Licensed Vocational Nurse (LVN), Licensed Occupational Therapist (LOT), Licensed Psychiatric Technician (LPT), and licensed-eligible practitioners working under the supervision of licensed clinicians and within their scope of practice (Registered Clinical Social Worker, Registered Professional Clinical Counselor, Registered Marriage and Family Therapist).

- d. **Mental Health Rehabilitation Specialist (MHRS):** An individual who has a baccalaureate degree and four years of experience in a mental health setting as a specialist in the fields of physical restoration, social adjustment, or vocational adjustment. Up to two years of graduate professional education may be substituted for the experience requirement on a year-for-year basis; up to two years of post-associate arts clinical experience may be substituted for the required educational experience in addition to the requirement of four years' experience in a mental health setting. A MHRS may provide Mental Health Services (excluding Therapy), Targeted Case Management (TCM), Day Rehabilitative Services, Day Treatment Intensive Services, Crisis Intervention, Crisis Stabilization, Adult Residential, and Crisis Residential Treatment services.

- e. **Mental Health Worker (MHW):** The State Plan permits the provision of services by "Other Qualified Providers," defined as, "an individual at least 18 years of age with a high school diploma or equivalent degree determined to be qualified to provide the service by the county mental health department." State law requires these "Other Qualified Providers" to provide services "under the direction of" a LMHP within their respective scope of practice.

- f. **Registered Professional:** A marriage and family therapist candidate, a licensed clinical social worker candidate, or a licensed professional clinical counselor

candidate, who has registered with the corresponding state licensing authority for marriage and family therapists, clinical social workers, or professional clinical counselors to obtain supervised clinical hours for marriage and family therapist, clinical social worker, or professional clinical counselor licensure, to the extent authorized under state law.

- g. **Specialty Mental Health Services (SMHS):** As defined by the MHP Contract between the Health and Human Service Agency (HHS) and the California Department of Health Care Services (DHCS). SMHS must be delivered by mental health professionals working within their scope of practice.
- h. **Substance Use Disorder Services (SUDS):** As defined by the Intergovernmental Agreement Contract between the Health and Human Service Agency (HHS) and the California Department of Health Care Services (DHCS). SUDS must be delivered by professionals working within their scope of practice.
- i. **Waivered Professional:** A person who is in the process of obtaining a Psy.D. or Ph.D., is gaining the experience required for licensure, and has been granted a professional licensing waiver by the State of California to the extent authorized under State law.

D. POLICY:

1. SMH and SUD services may be provided by professionals who are credentialed according to state requirements or non-licensed providers who agree to abide by the definitions, rules, and requirements for SMH and SUD services established by Department of Health Care Services (DHCS), to the extent authorized under state law.
2. SMH and SUD services shall be provided within the scope of practice of the person delivering services if professional licensure is required for the service.
3. SMH and SUD services shall be provided under the direction of a LMHP/LPHA.
 - a. Direction may be provided by a Waivered/Registered Professional when supervised by a licensed mental health professional in accordance with laws and regulations governing the registration or waiver.
4. Providers who may operate “under the direction of” a LMHP/LPHA include MHRS, MHW, Registered Professional, Waivered Professional, and Clinical Trainee.
5. Direction may include, but is not limited to, being the person directly providing the service, acting as a clinical team leader, direct or functional supervision of

service delivery, or approval of client plans. Individuals are not required to be physically present at the service site to exercise direction.

6. The licensed professional directing service assumes ultimate responsibility for the SMH and SUD services provided.

B. PROCEDURE:

1. Yolo County staff and Contracted Providers shall:
 - a. Ensure newly hired staff providing SMH and SUD services take CalMHSA documentation trainings.
 - i. All new staff complete the CalMHSA trainings within 30 days of start date.
 - b. If documenting in Avatar:
 - i. Verify direct supervision of MHRS, MHW, Registered Professional, and Clinical Trainees through co-signature on progress notes and other relevant SMH and SUD service provision documentation (such as Assessments or Care Plans):
 - a. For the first 6 months after hire.
 - i. If there are no concerns after the initial 6 months of co-signatures, direct supervision continues per LMHP or LPHA/supervisee designations. Co-signature on progress notes would no longer be required.
 1. This does not apply to Clinical Trainees, as all progress notes must be co-signed by their qualified supervisor.
 - ii. Supervisor, manager, or compliance officer may extend the initial 6-month period in 3-month increments as deemed necessary.
 - b. Any time MHRS, MHW, or Registered Professional staff are seen as having difficulties with documentation or there are concerns regarding their service provision, as determined by their supervisor, manager, or compliance officer.
 - i. Time frame of required co-signatures to be determined by the supervisor, manager, or compliance officer.
 - c. Any time MHRS, MHW, and Registered Professional staff change programs or begin providing a service that is new to them (other than changing programs)
 - i. It is up to the discretion of the supervisor, manager, or compliance officer to require co-signatures.

- c. If not documenting in Avatar:
 - i. Develop internal procedures for ensuring and documenting the supervision of SMH and SUD services provided by MHRS, MHW, Registered Professionals, and Clinical Trainees.
 - ii. Clinical Trainees must have all progress notes co-signed.
2. Additionally, Yolo County staff shall:
- a. Attend county documentation trainings and complete the County Behavioral Health-Quality Management (BH-QM) orientation training.
 - i. County BH-QM orientation training is recorded and required of all HHSa staff hired who will be billing Medi-Cal.
 - a. The training shall be completed within 30 days of the staff's start date with HHSa.
 - b. BH-QM sends an email to supervisors monthly. Newly hired staff are required to submit attestation of completion to BH-QM.
 - b. Ensure staff sign an attestation with their direct supervisor which indicates that the direct supervisor is responsible for the oversight of the staff's services prior to service provision.

C. REFERENCES:

- 1. Cal. Code Regs., tit. 9 § 1840.314
- 2. State Plan, Section 3, Supplement 3 to Attachment 3.1-A, page 2b
- 3. DHCS CalAIM Behavioral Health Payment Reform FAQ

Approved by:

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Date