

WHO CAN CERTIFY A CLIENT'S DISABILITY?

BACKGROUND

In order to certify someone as Chronically Homeless, agencies must be able to prove to the Department of Housing and Urban Development (HUD) that the Head of Household has a disabling condition. A disabling condition is defined by HUD as a “diagnosable substance abuse disorder, serious mental illness or disability, including the co-occurrence of two or more of these conditions.” For many cases, evidence of the disabling condition must include third-party documentation of the disability, such as a signed declaration from a qualified healthcare professional. However, it is not always clear who counts as a suitable professional.

24 C.F.R. § 578.103(a)(4)(i)(B)(1) states that acceptable evidence includes “written verification of the disability from a professional licensed by the state to diagnose and treat the disability.” HUD later clarified this to state that professionals “must be licensed to treat whatever disability it is that they are confirming.”¹

To determine who in California is licensed to diagnose and treat disabilities, HomeBase reviewed state law and analyzed current CoC practices to reach a general consensus of what professions fall into this category. Based on this research, the professions addressed below are considered eligible to diagnose disabilities under the HUD definition.²

DOCTORS AND PSYCHOLOGISTS

All medical doctors, osteopaths, psychologists, psychotherapists, and psychiatrists are qualified to diagnose and treat disabilities, so all of these professions are allowed to sign off on a disability verification form.

NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS

Physician Assistants are qualified to certify and treat disabilities, under the supervision and collaboration with a physician or surgeon consistent with the act. State law does not state that they can “diagnose” a disability but it does allow them to “certify” for purposes of state disability, and it does allow them to treat with consultation by a physician/surgeon or pursuant to a delegation of authority by a physician or surgeon.

Nurse Practitioners are also qualified to certify and treat disabilities. Under state law they have the same requirements as Physician Assistants in that their diagnosis requires collaboration and examination by a physician. However, please note that a HUD field officer once told Santa Clara County CoC that Nurse Practitioners are not considered a licensed professional suitable to certify a disability.

There is no evidence to suggest that Registered Nurses are allowed to certify or diagnose disabilities. Although they “assess patient condition” and “supervise patient care,” state regulations do not use the words “diagnose” or “treat” when describing what duties registered nurses may perform. Further, it is not the current practice in CoC communities to employ Registered Nurses in the performance of these duties.

¹ [Defining Chronically Homeless Final Rule](#), Combined Q&A Transcript. Regions 1 and 2. January 13, 2015. Webinar: Page 13.

² A cautionary note: Because this is an area of state law, rather than federal regulation, there are some discrepancies in how HUD staff members interpret the state’s licensing requirements. Areas in which HUD has raised questions are highlighted.

SOCIAL WORKERS

California state law does not explicitly state that Licensed Clinical Social Workers (LCSWs), Licensed Professional Clinical Counselors (LPCCs), Licensed Marriage and Family Therapists (LMFTs) and Licensed Educational Psychologists (LEPs) may diagnose and treat disabilities rooted in mental or behavioral health conditions. HUD guidance, however, as well as practices and policies in other states, including Washington State, state that certification by such professionals is acceptable so long as the disability they are certifying is related to those conditions they are licensed to treat and diagnose. This is the current practice in many CoCs, including San Francisco and Santa Clara County.

Please note, however, that in 2017 HUD notified the Santa Clara CoC in an agency monitoring that LMFTs are not authorized to perform diagnosis of disabilities.³ This finding is still being researched at the CoC level.

Further, ordinary social workers who do not have a clinical license, even if they have a master's degree and/or many years of experience, are not authorized to certify disability for HUD purposes. Although case managers and residential counselors may need to assess a client's disabilities in order to do their jobs, California has not written any regulations that would give these social workers the legal power to diagnose or treat a disability, and so non-clinical social workers should not be used to sign disability verification forms.

ALCOHOL AND DRUG COUNSELORS

California law recognizes a category of Addiction Counselor called the "alcohol or other drug counselor." These counselors are typically required to complete over a hundred hours of addiction-specific education, plus over a thousand hours of supervised clinical experience, and then pass a formal licensing exam.

³ Language from monitoring report: *"The State of California Business and Professions Code does not define LMFTs as being authorized to perform diagnosis of disabilities. Additionally, the State of California Employment Development Department does not allow LMFTs to certify claims for disability insurance or Paid Family Leave"*.

SANTA CLARA COUNTY COC

The only three organizations authorized to offer this exam in California are:

1. Addiction Counselor Certification Board of California, affiliated with the California Association for Alcohol/Drug Educators (CAADE)
2. California Association of DUI Treatment Programs (CADTP)
3. California Consortium of Addiction Programs and Professionals (CCAPP)

Drug and alcohol counselors who have a properly accredited certificate from one of these three organizations may sign a disability verification form for HUD as long as the conditions they are licensed to treat and diagnose is related to the disability.

SUMMARY

Can Certify a Disability	
Medical Doctor	Cal. Labor Code Section 139.2
Osteopathic Doctor	Cal. Labor Code Section 139.2
Psychiatrist	Cal. Labor Code Section 139.2
Psychologist	Section 2903 of the Business and Professions Code
Nurse Practitioner	Section 2835.7 of the Business and Professions Code ; CA Dept. Consumer Affairs Board of Registered Nursing
Physician Assistant	Section 3502.3 of the Business and Professions Code ; SB 1083
Licensed Clinical Social Worker (LCSW)	Cal. Business and Professions Code Section 4996.9
Licensed Professional Clinical Counselor (LPCC)	Cal. Business and Professions Code Section 4999.2
Licensed Marriage and Family Therapist (LMFT)	Cal. Business and Professions Code Section 4980.2
Licensed Educational Psychologist (LEP)	Cal. Business and Professions Code Section 4989.14
Addiction counselors with certificates from CAADE, CADTP, or CCAPP	CCR Chapter 8, Div. 4, title 9, subchapter 2, section 13015