



Board of Behavioral Sciences



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Governor Edmund G. Brown Jr.
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

**Policy and Advocacy Committee
Meeting Notice and Agenda
August 24, 2018
9:00 a.m.**

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., #S-102
Sacramento, CA 95834

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- I. Call to Order and Establishment of Quorum
 - II. Introductions*
 - III. Approval of April 12, 2018 Meeting Minutes
 - IV. Presentation, Discussion and Possible Recommendation Regarding Licensed Educational Psychologists Supervising Interns Gaining Hours in Schools – California Association of School Psychologists
 - V. Discussion and Possible Recommendation Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Professional Clinical Counselors
 - VI. Discussion and Possible Recommendation Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Marriage and Family Therapists
 - VII. Discussion and Possible Recommendation Regarding Proposed Revisions to Out-of-State Licensee Requirements for Licensed Clinical Social Workers
 - VIII. Discussion and Possible Recommendation Regarding Adding a New Accepted Degree Title for Marriage and Family Therapist Licensure
 - IX. Discussion and Possible Recommendation Regarding Licensed Professional Clinical Counselor Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1820, 1820.5 and 1821; Add Sections 1821.1, 1821.2 and 1821.3; Repeal Section 1822.
 - X. Discussion and Possible Recommendation Regarding Licensed Marriage and Family Therapist Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1833, 1833.1 and 1833.2; Add Sections 1833.1.5 and 1834.

XI. Discussion and Possible Recommendation Regarding Licensed Clinical Social Worker Supervision Requirements: Title 16, California Code of Regulations: Amend Sections 1870 and 1870.1; Add Sections 1869, 1870.5 and 1871; Repeal Section 1874.

XII. Status on Board-Sponsored Legislation

- a. Assembly Bill 2117 (Arambula) Licensing Process Bill: Proposed Revisions to Business and Professions Code sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, 4999.100
- b. Senate Bill 1491 Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code sections 27, 650.4, 865, 2290.5, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, 4999.100, and Family Code section 6924
- c. Assembly Bill 93 (Medina): Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

XIII. Status of Board Supported and Board Monitored Legislation

- a. Assembly Bill 456 (Thurmond) Healing Arts: Associate Clinical Social Worker, 90 Day Rule
- b. Assembly Bill 1436 (Levine) Board of Behavioral Sciences: Suicide Prevention
- c. Assembly Bill 2088 (Santiago) Patient Records: Addenda
- d. Assembly Bill 2138 (Chiu/Low) Licensing Boards: Denial of Application: Criminal Conviction
- e. Assembly Bill 2143 (Caballero) Licensed Mental Health Service Provider Education Program: Providers
- f. Assembly Bill 2302 (Baker) Child Abuse: Abuse: Sexual Assault: Mandated Reporters
- g. Assembly Bill 2608 (Stone) Licensed Mental Health Services Provider Education Program: Former Foster Youth
- h. Assembly Bill 2296 (Waldron) Professional Clinical Counselors
- i. Assembly Bill 2943 (Low) Unlawful Business Practices: Sexual Orientation Change Efforts
- j. Assembly Bill 2968 (Levine) Therapist Sexual Behavior and Sexual Contact
- k. Senate Bill 399 (Portantino) Health Care Coverage: PDD or Autism
- l. Senate Bill 906 (Beall) Medi-Cal: Mental Health Service: Peer, Parent, Transition Age and Family Support Specialist Certification.
- m. Senate Bill 968 (Pan) Postsecondary Education: Mental Health Counselor

XIV. Status of Board Rulemaking Proposals

- a. Enforcement Process: Amend Title 16, California Code of Regulations sections 1823, 1845, 1858, 1881, 1886.40, 1888 and Uniform Standards Related to Substance Abuse and Disciplinary Guidelines
- b. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16, California Code of Regulations, sections 1804, 1805 and 1820.7; Add section 1815.8

- c. Examination Rescoring, Abandonment of Application and Associate Professional Clinical Counselor Application Fee: Add Title 16, California Code of Regulations Section 1805.08; Amend Sections 1806 and 1816.1; Repeal Section 1816.3

XV. Public Comment for Items Not on the Agenda

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 1125.7(a)]

XVI. Suggestions for Future Agenda Items

XVII. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This agenda as well as Board meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

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Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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www.bbs.ca.gov

To: Committee Members

Date: August 17, 2018

From: Christina Kitamura
Administrative Analyst

Telephone: (916) 574-7830

Subject: Meeting Minutes

The April 2018 draft minutes will be provided under a separate cover.

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1625 North Market Blvd., Suite S-200
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To: Committee Members

Date: August 16, 2018

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed License Portability Language: LPCC Out-of-State Applicants

Background

The Board's License Portability Committee last met on June 8, 2018. At that meeting, the Committee considered proposed language for the LPCC statute.

Previous Committee Discussion and Proposed License Portability Language

Attachment A shows the proposed language. Amendments reviewed by the License Portability Committee are shown in blue. New amendments recently updated by staff are shown in red.

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a professional clinical mental health counselor at the highest level for independent practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited or approved school.
- The applicant submits fingerprints.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.
- The applicant passes the Board's California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

LPCCs who were licensed in another state that permits LPCC treatment of couples and families may continue to do so upon licensure in California, if they complete at least 6 hours of continuing education coursework specific to marriage and family therapy in each renewal cycle. If the other state of licensure does not permit LPCC treatment of couples and families, then the licensee would need to meet the full requirements for LPCCs to treat couples and families, as specified in Business and Professions Code (BPC) §4999.20.

Additional Technical Amendments

Additional, more technical amendments to the language are as follows:

- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Two topic areas were added to the 12-hour California law and ethics coursework, for consistency with the requirement in LMFT and LCSW law. The two added topic areas are as follows:
 - Differences in legal and ethical standards in different types of work settings; and
 - Licensing law and licensing process.
- Additions to §4999.61: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4999.60 for other reasons. Now that license holders are also included in this section, two provisions need to be added:
 - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum; and
 - The provision allowing an active and in good standing licensee or registrant of another state to use his or her qualifying clinical exam score to count for this state's clinical exam requirement, if they have already passed the clinical exam that this Board accepts.
- Additions to §4999.62: Like §4999.61, this section previously applied only to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Licensed individuals were previously allowed to remediate the practicum requirement. At its last meeting, the License Portability Committee recommended that the practicum requirement be waived for out-of-state license holders in good standing. The Committee also approved an amendment that allowed licensees applying under this section to remediate up to the allowable six core content areas (except California law and ethics, and assessment and diagnosis) while registered as an associate.

Questions for Discussion

Several staff members who work in various positions in the Board's licensing unit were recently asked to review the draft language and provide feedback. Below is the feedback received, which the Committee may wish to discuss:

- 1. Reducing the 18-hour California Law and Ethics Course to 12 hours.** Will reducing the duration of this course cause confusion? Does 12 hours provide sufficient coverage of all the required topics listed?
- 2. Completion of 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although the intent of requiring this coursework during the first renewal period was to decrease the required coursework burden prior to licensure, it may be difficult for staff to verify whether this coursework is completed. Out-of-state applicants who are in their first renewal period would need to be tracked and audited specifically for completion of the requirement upon renewal.
- 3. Child Abuse Course Content – California Specific Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework and experience, BPC §28 (**Attachment B**) requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Does California-specific coursework need to be required, or is it assumed that will be covered in the 12-hour California Law and Ethics course requirement (which requires the topic of child abuse to be covered)?
- 4. Requirement for Licensure as a “Professional Clinical Mental Health Counselor” at the Highest Level for Independent Practice.** Is there any concern that this title needs to be tightened? Would it allow an LMFT licensed in another state to qualify for LPCC licensure?
- 5. Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, it is likely this requirement should be referenced in the proposed language.

Attachments

Attachment A: Proposed Language – LPCC

Attachment B: BPC §28 – Child Abuse Assessment and Reporting Coursework Requirement

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**ATTACHMENT A
PROPOSED LANGUAGE – LPCC**

§4999.40. DEGREE GRANTING PROGRAMS; NOTIFICATION OF QUALIFICATION TO STUDENTS; EQUIVALENT EDUCATION AND TRAINING GAINED OUTSIDE THE UNITED STATES

- (a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4999.32 or 4999.33 and shall certify to the board that it has so notified its students.

- (b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:
 - (1) Meets all of the requirements set forth in Section 4999.32.
 - (2) Meets all of the requirements set forth in Section 4999.33.

- (c) An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is accredited or approved. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services and shall provide any other documentation the board deems necessary.

§4999.60. OUT-OF-STATE LICENSEE; APPLICATION FOR A LICENSE

- (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a professional clinical mental health counselor at the highest level for independent practice. Issuance of the license is conditioned upon meeting all of the following requirements:
 - 1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.

 - 2. The applicant's degree that qualified him or her for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4999.12.

3. The applicant complies with the fingerprint requirements established by Section 144.
 4. The applicant completes the following coursework from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy these requirements:
 - i. A minimum of 12 hours of coursework in California law and ethics, that includes, but is not limited to instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process.
 - ii. At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.
 5. The applicant passes the board-administered California law and ethics examination. **The clinical examination shall be waived for an applicant qualifying under this section.**
- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery. This coursework shall be taken from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.
- (c) An applicant issued a license pursuant to this section shall be permitted to treat couples or families, if he or she meets one of the following:
1. (A) The scope of the license held in the other state permitted treatment of couples and families without restrictions or additional coursework; and
(B) The licensee completes a minimum of 6 hours of continuing education

specific to marriage and family therapy in each renewal cycle.

2. The licensee completes the requirements to treat couples or families specified in paragraph (3) of subsection (a) of Section 4999.20.

~~(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.~~

~~(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:~~

~~(1) The applicant's education is substantially equivalent, as defined in Section 4999.63.~~

~~(2) The applicant complies with subdivision (c) of Section 4999.40, if applicable.~~

~~(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.~~

~~(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:~~

~~(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.~~

~~(B) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.~~

**§4999.61. EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA;
NON-LICENSE HOLDER**

(a) This section applies to persons who apply for licensure or registration ~~on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.~~ who do not qualify for a license under Section 4999.60.

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (c) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a professional clinical mental health counselor at the highest level for independent practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(d) An applicant who obtained his or her license or registration under another state or country may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that state or country is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

§4999.62. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; ~~NON-LICENSE HOLDER~~

(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60. qualify for a license under Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester units or 90 graduate quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester units or 72 graduate quarter units of instruction.

(C) Six semester units or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

i. An out-of-state applicant who holds a valid license in good standing in another state or country as a professional clinical mental health counselor at

the highest level for independent practice is exempt from the practicum requirement.

- (D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.
- (i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.
 - (II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.
 - (ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete ~~an 18-hour~~ a 12-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement. An applicant shall complete this coursework prior to registration as an associate.
 - (iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.
- (2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:
- (A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

[\(6\) An applicant who holds a valid license in good standing in another state or country as a professional clinical mental health counselor at the highest level for independent practice may complete any units and course content requirements required by](#)

subparagraph (D) of paragraph (1) not already completed in his or her education, while registered as an associate, unless otherwise specified.

~~§4999.63.~~

~~(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who hold a license as described in Section 4999.60.~~

~~(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:~~

~~(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:~~

~~(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.~~

~~(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.~~

~~(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.~~

~~(C) Six semester units or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.~~

~~(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.~~

~~(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.~~

~~(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.~~

~~(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.~~

~~(H) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.~~

~~(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.~~

~~(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.~~

~~(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:~~

~~(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).~~

~~(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.~~

~~(3) The applicant completes the following coursework not already completed in his or her education:~~

~~(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.~~

~~(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.~~

~~(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.~~

~~(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework~~

~~shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.~~

- ~~(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.~~
- ~~(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.~~
 - ~~(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.~~
 - ~~(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.~~
- ~~(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.~~

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ATTACHMENT B
BUSINESS & PROFESSIONS CODE §28
CHILD ABUSE ASSESSMENT AND REPORTING COURSEWORK REQUIREMENT

§28. TRAINING FOR CHILD, ELDER AND DEPENDENT ADULT ABUSE ASSESSMENT AND REPORTING; LICENSING PREREQUISITES

- (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.
- (b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.
- (c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:
- (1) Be obtained from one of the following sources:
- (A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.
- (B) A continuing education provider as specified by the responsible board by regulation.
- (C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.
- (2) Have a minimum of seven contact hours.
- (3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

- (4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.
- (d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in his or her practice because of the nature of that practice.
- (e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.
- (f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

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To: Committee Members **Date:** August 16, 2018
From: Rosanne Helms **Telephone:** (916) 574-7897
Legislative Analyst
Subject: Proposed License Portability Language: LMFT Out-of-State Applicants

Background

The Board's License Portability Committee last met on June 8, 2018. At that meeting, the Committee considered proposed language for the LMFT statute.

Previous Committee Discussion and Proposed License Portability Language

Attachment A shows the proposed language. Amendments reviewed by the License Portability Committee are shown in blue. New amendments recently updated by staff are shown in red.

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a marriage and family therapist at the highest level for independent clinical practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited or approved school.
- The applicant submits fingerprints.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.
- The applicant passes the Board's California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

Additional Technical Amendments

Additional, more technical amendments to the language are as follows:

- Definitions of “accredited” and “approved” schools were added to the general definitions for the LMFT licensing law, located in BPC §4980.03. Similar definitions already exist in LPCC licensing law and allow for easy reference to the definitions. It should be noted that the LMFT definition of “accredited” includes COAMFTE accredited institutions.
- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Additions to §4980.74: This section previously only applied to those who do not hold a license, but it has been amended to also apply to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4980.72 for other reasons. Now that license holders are also included in this section, two provisions need to be added:
 - The provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum; and
 - The provision allowing an active and in good standing licensee or registrant of another state or country to use his or her qualifying clinical exam score to count for this state’s clinical exam requirement, if they have already passed the clinical exam that this Board accepts. (For LMFT statute, this is a placeholder for if/when the Board elects to accept the national MFT examination.)
- Additions to §4980.78: Like §4980.74, this section previously applied only to non-licensed individuals, but has been amended to also apply to certain licensed individuals. Individuals licensed less than 2 years were previously allowed to remediate the practicum requirement. At its last meeting, the License Portability Committee recommended that the practicum requirement be waived for out-of-state license holders in good standing.

Questions for Discussion

Several staff members who work in various positions in the Board’s licensing unit were recently asked to review the draft language and provide feedback. Below is the feedback received, which the Committee may wish to discuss:

1. **Requirement for Licensure as a “Marriage and Family Therapist at the Highest Level for Independent Clinical Practice”.** Currently, LMFT statute allows an out-of-state applicant to apply as an out-of-state licensee if he or she holds “a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or county...” and meets certain requirements. (BPC §4980.72(b))

To qualify under the new proposal (out of state licensee for at least two years) instead requires the individual to be licensed as a marriage and family therapist at the highest level for independent clinical practice. It should be noted that this standard is stricter. While previously, the individual did not necessarily have to be licensed specifically as a marriage and family therapist in the other state, under the new language, they would need to be.

2. **Reducing the 18-hour California Law and Ethics Course to 12 hours.** Will reducing the duration of this course cause confusion? Does 12 hours provide sufficient coverage of all the required topics listed?
3. **Completion of 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although the intent of requiring this coursework during the first renewal period was to decrease the required coursework burden prior to licensure, it may be difficult to verify whether this coursework is completed. Out-of-state applicants who are in their first renewal period would need to be tracked and audited specifically for completion of the requirement upon renewal.
4. **Child Abuse Course Content – California Specific Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework and experience, BPC §28 requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Does California-specific coursework need to be required, or is it assumed that will be covered in the 12-hour California Law and Ethics course requirement (which requires the topic of child abuse to be covered)?
5. **Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, it is likely this requirement should be referenced in the proposed language.

Attachments

Attachment A: Proposed Language – LMFT

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ATTACHMENT A
PROPOSED LANGUAGE – LMFT

§4980.03. DEFINITIONS.

- (a) “Board,” as used in this chapter, means the Board of Behavioral Sciences.
- (b) “Intern,” as used in this chapter, means an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and is registered with the board.
- (c) “Trainee,” as used in this chapter, means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.
- (d) “Applicant,” as used in this chapter, means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.
- (e) “Advertise,” as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.
- (f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family therapist pursuant to Section 4980.40.
- (g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:
 - (1) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.
 - (2) If a licensed professional clinical counselor, the individual shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20.
 - (3) Has not provided therapeutic services to the trainee or intern.

- (4) Has a current and valid license that is not under suspension or probation.
- (5) Complies with supervision requirements established by this chapter and by board regulations.
- (h) “Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.
- (i) “Accredited” means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.
- (j) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

§4980.72. RECIPROCITY; EQUIVALENT REQUIREMENTS

- ~~(a) This section applies to a person who is licensed outside of California and applies for licensure on or after January 1, 2016.~~
- ~~(b)~~ (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied: license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice. Issuance of the license is conditioned upon meeting all of the following requirements:
 - 1. The applicant’s license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board’s discretion.
 - 2. The applicant’s degree that qualified him or her for the out-of-state license is a master’s or doctoral degree that was obtained from an accredited or approved institution, as defined in Section 4980.03.
 - 3. The applicant complies with the fingerprint requirements established by Section 144.
 - 4. The applicant completes the following coursework from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy these requirements:

- i. A minimum of 12 hours of coursework in California law and ethics, that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and licensing process.
 - ii. At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.
 5. The applicant passes the board-administered California law and ethics examination. **The clinical examination shall be waived for an applicant qualifying under this section.**
- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery. This coursework shall be taken from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.
- ~~(1) The applicant's education is substantially equivalent, as defined in Section 4980.79. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.~~
- ~~(2) The applicant complies with Section 4980.76, if applicable.~~
- ~~(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a marriage and family therapist shall be accepted at a rate of 100 hours per month, up to a maximum of 1,200 hours, if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.79 without exemptions or remediation.~~
- ~~(4) The applicant passes the California law and ethics examination.~~
- ~~(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may apply for~~

~~licensure with the board without taking the clinical examination if both of the following conditions are met:~~

~~(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.~~

~~(B) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.~~

§4980.74. EXPERIENCE AND EDUCATION GAINED OUTSIDE OF CALIFORNIA

(a) This section applies to persons who apply for licensure or registration ~~on or after January 1, 2016, and who do not hold a license as described in Section 4980.72 and do not qualify for a license under Section 4980.72.~~

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a marriage and family therapist at the highest level of clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(d) An applicant who obtained his or her license or registration under another state or country may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that state or country is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

§4980.76. DEGREE OBTAINED OUTSIDE OF THE UNITED STATES

An applicant for licensure or registration with a degree obtained from an educational institution outside the United States shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

§4980.78. SUBSTANTIALLY EQUIVALENT EDUCATION; ~~COURSEWORK REQUIRED OF APPLICANTS NOT LICENSED OUTSIDE OF CALIFORNIA~~

- (a) This section applies to persons who apply for licensure or registration ~~on or after January 1, 2016,~~ and who do not ~~hold a license as described in Section 4980.72~~ qualify for a license under Section 4980.72.
- (b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:
- (1) The degree is obtained ~~from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education~~ from an accredited or approved institution, as defined in Section 4980.03, and consists of, at a minimum, the following:
- (A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.
- (ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern~~ associate.
- (B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.
- (C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.
- i. An out-of-state applicant who holds a valid license in good standing in another state or country as a marriage and therapist at the highest level of clinical practice is exempt from the practicum requirement.
- (D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.
- (2) The applicant shall complete coursework in California law and ethics as follows:
- (A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete ~~an 18-hour~~ a 12-hour course in California law and professional ethics. The content of the course

shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, [differences in the application of legal and ethical standards in different types of work settings](#), and licensing law and licensing process. [The coursework may be from an accredited or approved institution, as defined in Section 4980.03, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54.](#) This coursework shall be completed prior to registration as an [internassociate](#).

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed prior to registration as an [internassociate](#).

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from [an accredited school, college, or university as specified in paragraph \(1\), from an educational institution approved by the Bureau for Private Postsecondary Education or an accredited or approved institution, as defined in Section 4980.03](#), or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited [school, college, or university as specified in paragraph \(1\) from an educational institution approved by the Bureau for Private Postsecondary Education or approved institution, as defined in Section 4980.03](#), or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an [internassociate](#), unless otherwise specified.

- (6) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

~~§4980.79. SUBSTANTIALLY EQUIVALENT EDUCATION; COURSEWORK REQUIRED OF APPLICANTS LICENSED OUTSIDE OF CALIFORNIA~~

~~(a) This section applies to persons who apply for licensure or registration on or after January 1, 2016, and who hold a license as described in Section 4980.72.~~

~~(b) For purposes of Section 4980.72, education is substantially equivalent if all of the following requirements are met:~~

~~(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education and consists of, at a minimum, the following:~~

~~(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.~~

~~(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an intern.~~

~~(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester or 72 quarter units of instruction.~~

~~(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.~~

~~(i) An out-of-state applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.~~

~~(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter,~~

~~and shall be gained while registered as an intern.~~

~~(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.~~

~~(2) An applicant shall complete coursework in California law and ethics as follows:~~

~~(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 that did not include instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an intern.~~

~~(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an intern.~~

~~(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.~~

~~(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement:~~

~~(A) At least three semester units, or 45 hours, of instruction pertaining to the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.~~

~~(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.~~

~~(5) An applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.~~

~~(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an intern, unless otherwise specified.~~

§4980.81. ADDITIONAL COURSEWORK REQUIREMENTS FOR OUT-OF-STATE APPLICANTS

This section applies to persons subject to Section 4980.78, ~~or 4980.79~~, who apply for licensure or registration ~~on or after January 2016~~.

- (a) For purposes of Sections 4980.78 ~~and 4980.79~~, an applicant shall meet all of the following educational requirements:
- (1) A minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, and promising mental health practices that are evaluated in peer reviewed literature.
 - (2) At least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.
 - (3) (A) Developmental issues from infancy to old age, including demonstration of at least one semester unit, or 15 hours, of instruction that includes all of the following subjects:
 - (i) The effects of developmental issues on individuals, couples, and family relationships.
 - (ii) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.
 - (iii) The understanding of the impact that personal and social insecurity, social stress, low educational levels, inadequate housing, and malnutrition have on human development.(B) An applicant who is deficient in any of these subjects may remediate the coursework by completing three hours of instruction in each deficient subject.
 - (4) (A) The broad range of matters and life events that may arise within marriage and family relationships and within a variety of California cultures, including instruction in all of the following:

- (i) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.
 - (ii) A minimum of 10 contact hours of coursework that includes all of the following:
 - (I) The assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.
 - (II) Aging and its biological, social, cognitive, and psychological aspects.
 - (III) Long-term care.
 - (IV) End-of-life and grief.
 - (iii) A minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.
 - (iv) Cultural factors relevant to abuse of partners and family members.
 - (v) Childbirth, child rearing, parenting, and stepparenting.
 - (vi) Marriage, divorce, and blended families.
 - (vii) Poverty and deprivation.
 - (viii) Financial and social stress.
 - (ix) Effects of trauma.
 - (x) The psychological, psychotherapeutic, community, and health implications of the matters and life events described in clauses (i) to (ix), inclusive.
- (5) At least one semester unit, or 15 hours, of instruction in multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability, and their incorporation into the psychotherapeutic process.
- (6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.
- (7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The

following subjects shall be included in this coursework:

- (A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph “cooccurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
 - (B) Medical aspects of substance use disorders and cooccurring disorders.
 - (C) The effects of psychoactive drug use.
 - (D) Current theories of the etiology of substance abuse and addiction.
 - (E) The role of persons and systems that support or compound substance abuse and addiction.
 - (F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.
 - (G) Legal aspects of substance abuse.
 - (H) Populations at risk with regard to substance use disorders and cooccurring disorders.
 - (I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.
 - (J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.
 - (K) The prevention of substance use disorders and addiction.
- (8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:
- (A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.
 - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.
 - (C) The current legal patterns and trends in the mental health professions.
 - (D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
 - (E) A recognition and exploration of the relationship between a practitioner’s sense of

self and human values and his or her professional behavior and ethics.

(F) ~~Differences in~~[The application of](#) legal and ethical standards for different types of work settings.

(G) Licensing law and licensing process.

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To: Committee Members

Date: August 16, 2018

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed License Portability Language: LCSW Out-of-State Applicants

Background

The Board's License Portability Committee last met on June 8, 2018. At that meeting, the Committee considered proposed language for the LCSW statute.

Previous Committee Discussion and Proposed License Portability Language

Attachment A shows the proposed language. Amendments reviewed by the License Portability Committee are shown in blue. New amendments recently updated by staff are shown in red.

Under the proposal, the Board may issue a license to a person who holds a license in another jurisdiction of the U.S. as a clinical social worker at the highest level for independent practice, if they meet all the following:

- The license has been current, active, and unrestricted for at least 2 years immediately prior to the date the application was received by the Board.
- The qualifying degree is a master's or doctoral degree that was obtained from an accredited school or department of social work.
- The applicant submits fingerprints.
- The applicant completes a 12-hour California law and ethics course.
- The applicant completes 15 hours of coursework in California Cultures.
- The applicant passes the Board's California law and ethics exam. (Passage of the clinical exam for applicants qualifying for a license under this method is not required, and language was recently added to state this specifically.)

In addition, under the proposal, once issued a California license, the licensee must complete a one-time, 6-hour course in mental health recovery-oriented care.

Additional Technical Amendments

Additional, more technical amendments to the language are as follows:

- For consistency, this proposal reduces the coursework requirement for the California law and ethics from 18 hours to 12 hours, for applicants who do not qualify to apply as an out-of-state licensee.
- Additions to §4996.17.2: This section has been amended to apply to those who do not hold a license; and also to those who hold a license, but have held it for less than two years, or to those who hold a license but do not qualify under §4996.17.1 for other reasons. The following provisions were included:
 - A provision allowing an out-of-state licensee to count time actively licensed in good standing toward the 3,000-hour requirement at a rate of 100 hours per month, up to 1,200 hours maximum;
 - A provision requiring an out-of-state applicant qualifying under this section to complete 45 hours of coursework regarding the principles of mental health recovery-oriented care, and 15 hours of coursework in California cultures.

Questions for Discussion

Several staff members who work in various positions in the Board's licensing unit were recently asked to review the draft language and provide feedback. Below is the feedback received, which the Committee may wish to discuss:

1. **Aging and Long-Term Care and Elder and Dependent Adult Abuse and Neglect Coursework.** Staff recommended this be added in for out-of-state applicants who do not qualify under 4996.17.1 (the new method). It is specified in 4996.25 (10 contact hours), however, the law does not specifically state whether or not the requirement applies to out-of-state applicants. (The new amendment is shown in red in §4996.17.2(d)(2)(E).)
2. **Reducing the 18-hour California Law and Ethics Course to 12 hours.** Will reducing the duration of this course cause confusion? Does 12 hours provide sufficient coverage of all the required topics listed?
3. **Completion of 6-hour principles of mental health recovery-oriented care coursework requirement in first license renewal period.** Although the intent of requiring this coursework during the first renewal period was to decrease the required coursework burden prior to licensure, it may be difficult to verify whether this coursework is completed. Out-of-state applicants who are in their first renewal period would need to be tracked and audited specifically for completion of the requirement upon renewal.
4. **Child Abuse Course Content – California Specific Content.** While the purpose of the proposed language is to assume those licensed at least two years in another state have the relevant coursework and experience, BPC §28 requires BBS applicants to have knowledge of the Child Abuse and Neglect Reporting Act (CANRA), which is specific to California. Does California-specific coursework need to be required, or is it assumed

that will be covered in the 12-hour California Law and Ethics course requirement (which requires the topic of child abuse to be covered)?

5. **Suicide Risk Assessment and Intervention.** If AB 1436 is signed into law this fall, it will require all new applicants (beginning 1/1/2021) to show proof of completion of six hours of coursework or experience in suicide risk assessment and intervention. Therefore, it is likely this requirement should be referenced in the proposed language.

Attachments

Attachment A: Proposed Language – LCSW

Attachment B: BPC §4996.25 – Aging and Long-Term Care Requirement for LCSW Applicants

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Attachment A
Proposed Language – LCSW

§4996.17.1. OUT-OF-STATE LICENSEES: ISSUANCE OF A LICENSE

- (a) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a clinical social worker at the highest level for independent practice. Issuance of the license is conditioned upon meeting all of the following requirements:
1. The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least 2 years immediately prior to the date the application was received by the board. Applicants with past restrictions or disciplinary action on an out-of-state license shall disclose these actions for review by the board, and issuance of a California license is at the board's discretion.
 2. The applicant's degree that qualified him or her for the out-of-state license is a master's degree from an accredited school or department of social work.
 3. The applicant complies with the fingerprint requirements established by Section 144.
 4. The applicant completes the following coursework from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy these requirements:
 - i. A minimum of 12 hours of coursework in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, the application of legal and ethical standards in different types of work settings, and licensing law and process.
 - ii. At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

5. The applicant passes the board-administered California law and ethics examination. The clinical examination shall be waived for an applicant qualifying under this section.
- (b) An applicant issued a license pursuant to this section shall complete, prior to the time of his or her first license renewal, at least 6 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery. This coursework shall be taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement.

§4996.17. §4996.17.2. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

- (a) This section applies to persons who apply for licensure or registration and who do not qualify for a license under Section 4996.17.1.
- ~~(a)~~ (1)(b) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter. If the applicant has less than 3,000 hours of qualifying supervised experience, the amount of time the applicant held an active license in good standing in another state or country as a clinical social worker at the highest level of clinical practice shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.
- ~~(2)~~ Commencing January 1, 2014, an applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.
- (c) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the applicant has received a master's degree from an accredited school of social work, or complies with subdivision (g) of Section 4996.18.
- ~~(d)~~ (b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or

~~corresponding authority of any state, if the~~ In addition to the experience and education described in subsections (b) and (c) above, the person passes, or has passed, applicant shall pass, or have passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

- (1) The applicant has supervised experience ~~as described in subdivision (b). that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.~~
- (2) Completion of the following coursework or training ~~in or out of this state taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. This coursework may be completed while registered as an associate, unless otherwise specified.~~
 - (A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.
 - (B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.
 - (C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.
 - (D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.
 - (E) A minimum of 10 contact hours of coursework in aging and long-term care, as specified in Section 4996.25.
- ~~(3)~~F Commencing January 1, 2014, completion of ~~an 18-hour~~ 12-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, ~~differences in the~~ application of legal and ethical standards in different types of work settings, and licensing law and process. This coursework shall be completed prior to registration as an associate.
- (G) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers

and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(H) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(43) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(54) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(65) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(76) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

~~(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:~~

~~(1) Completion of the following coursework or training in or out of state:~~

~~(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.~~

~~(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.~~

~~(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.~~

~~(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.~~

~~(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and~~

~~unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.~~

~~(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.~~

~~(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.~~

~~(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.~~

~~(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.~~

~~(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.~~

~~(de)~~ An applicant who obtained his or her license or registration under another jurisdiction state or country may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction state or country is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; EMPLOYMENT; SUPERVISION; CREDIT

(a) A person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for

clinical social workers; The coursework shall be taken from an accredited school or department of social work, a school, college or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. The coursework shall ~~including~~include instruction in all of the following areas of study:

- (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
 - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
 - (C) The current legal patterns and trends in the mental health professions.
 - (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.
 - (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.
 - (F) ~~Differences in~~The application of legal and ethical standards for different types of work settings.
 - (G) Licensing law and process.
- (c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.
- (d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.
- (e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

- (f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.
- (g) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.
- (h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.
- (i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

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Attachment B
BPC §4996.25
Aging and Long-Term Care Requirement for LCSW Applicants

BPC §4996.25

(a) Any applicant for licensure as a licensed clinical social worker who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

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To: Committee Members

Date: August 16, 2018

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed New LMFT Degree Title

Summary

The Board has been asked to consider adding a new degree title to those accepted for licensure as a marriage and family therapist (LMFT). The goal of the new title, "Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling," would be to increase portability of licensure to other states (See letter, **Attachment A**).

Background

The Board currently accepts doctoral or master's degrees with the following titles toward an LMFT license for in-state applicants (Business and Professions Code (BPC) §4980.36(b)) (**Attachment B**)

- Marriage, Family, and Child Counseling;
- Marriage and Family Therapy;
- Couple and Family Therapy;
- Psychology;
- Clinical Psychology;
- Counseling Psychology;
- Counseling with an emphasis in Marriage, Family, and Child Counseling; or
- Counseling with an emphasis in Marriage and Family Therapy

The university requesting the additional title, Argosy University, brings this issue to the Board's attention because of a problem they are having with their "Counseling Psychology" degree program. This degree, which is offered in California, prepares its students for both LMFT and LPCC licensure in California. However, it is not accepted toward licensure in many other states.

Argosy University notes that many states are requiring accreditation from the Council for Accreditation of Counseling & Related Educational Programs (CACREP). According to the "2016 CACREP Standards," degree specialty areas consist of the following (2016 CACREP Standards, Section 1, Part J) (**Attachment C**):

- Addiction Counseling;

- Clinical Mental Health Counseling;
- Clinical Rehabilitation Counseling;
- Marriage, Couple, and Family Counseling;
- Career Counseling;
- College Counseling and Student Affairs; and
- School Counseling

Therefore, the difficulty is, while an individual who wants to be dually licensed as an LMFT and an LPCC in California can obtain a degree in “Counseling Psychology” and become dually licensed in this state, if they decide to move to another state that requires CACREP accreditation for licensure, the degree title may not be acceptable for one or both licenses. The newly proposed license title will add a dual license track that is consistent with CACREP standards.

History

The last time a new degree title was added to the list of those acceptable for LMFT licensure was in 2012, when the “Couple and Family Therapy” title was added via an omnibus bill (SB 943, Chapter 350, Statutes of 2011). At that time, a growing number of graduate programs nationwide had begun offering degrees in “Couple and Family Therapy.” The Board determined that adding the title would acknowledge the greater diversity of relationships with which LMFTs work.

Alternative Solutions and Other States

As an alternative to naming specific degree titles in LMFT statute, the Committee may wish to discuss if it would be preferable to allow a more general degree that contains a specific emphasis in marriage and family therapy. For example, to qualify for LPCC licensure, the degree must be “counseling or psychotherapy” in content and must meet the coursework requirements specified in law for LPCCs. LMFT out-of-state applicants currently do not have to apply with the specific degree title requirements.

This could, however, raise an issue like one that the Board has faced with LPCC applicants, that some individuals apply with degrees that are not intended to lead to licensure in that field.

Staff reviewed the LMFT degree requirements in Florida and Texas, which have the largest populations of LMFTs after California, and found the following:

Florida: An applicant must have a minimum of a master’s degree with major emphasis in marriage and family therapy, or a closely related field. (Florida Statute Title XXXII, §491.005(3)).

Texas: Texas allows several options for a degree to qualify for LMFT licensure (22 Texas Administrative Code, Chapter 801, §801.112-801.114):

- a) A master’s degree or doctorate degree in marriage and family therapy from an institution or program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE)

- b) A master's degree or doctorate degree in marriage and family therapy from an institution or program accredited by accrediting bodies that are recognized by the Council for Higher Education Accreditation (CHEA), but which are not accredited by COAMFTE, provided that the practicum is at least 9 credit hours or 12 months. If the practicum is not at least 9 credit hours or 12 months an applicant may be approved to take the licensing examination and may be issued an associate license upon successfully passing the examination. Prior to receiving a license as a marriage and family therapist, the applicant shall complete the pre-graduation practicum deficit in addition to the post-graduate supervised experience requirements consistent with the requirements in §801.142
- c) A master's degree or doctorate degree in a related mental health field with a planned course of study in marriage and family therapy as described in 801.113(d) and (e) with minimum course content as described in §801.114. (NOTE: §801.113 provides examples of degrees in a related mental health field as including counseling, psychology, social work, or family studies with an MFT emphasis.)

Recommendation

Conduct an open discussion of whether it is the Committee's desire to recommend that the Board consider adding the title "Clinical Mental Health Counseling with a concentration in Marriage, Family, and Child Counseling," to the list of degree titles acceptable for LMFT licensure for in-state applicants.

Attachments

Attachment A: Letter from Joffrey S. Suprina, PhD., LMHC, NCC; National Dean, College of Counseling, Psychology and Social Sciences, Argosy University. (March 14, 2018)

Attachment B: BPC §4980.36(b) – Current Degree Titles Accepted for LMFT Licensure (In-State)

Attachment C: 2016 CACREP Standards; Section 1: The Learning Environment; Part J

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ATTACHMENT A



March 14, 2018

Kim Madsen
Executive Officer
Board of Behavioral Sciences
1625 North Market Blvd. Suite 200
Sacramento, CA 95834

Dear Kim Madsen,

As we have discussed, I am requesting that the board consider revising the language for acceptable degrees eligible for the Marriage and Family Therapy license (LMFT) to include a Clinical Mental Health Counseling degree with a concentration in Marriage, Family and Child Counseling. At Argosy University, we have been looking for ways to increase the portability of degrees across states. Our Master of Arts in Counseling Psychology program currently offered in California is eligible for both the LPCC and LMFT licensure in California but is not eligible for those licensures in many other states. Additionally, as you are aware, more states are requiring CACREP accreditation for eligibility for licensure in their states. This places us in a catch 22 where what is accepted in California is not accepted in other states and what is accepted by many other states is limited in California. I'm sure you and the board do not want to disadvantage your residents who are required to relocate to other states. By revising the language of the law to accept a Master of Arts in Clinical Mental Health Counseling degree with a concentration in Marriage, Family and Child Counseling, you will fulfill the goals of the law (training in systems theory and MFT work) while opening the students to greater portability across states.

Let me know if I can be of assistance.

Sincerely,

A handwritten signature in cursive script that reads "Joffrey S. Suprina".

Joffrey S. Suprina, PhD. LMHC, NCC
National Dean
College of Counseling, Psychology and Social Sciences
Argosy University
941-554-1567

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ATTACHMENT B
Business and Professions Code (BPC) §4980.36(b)
Current Degree Titles Accepted for LMFT Licensure (In-State)

(b) To qualify for a license or registration, applicants shall possess a doctoral or master's degree meeting the requirements of this section in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university approved by the Bureau for Private Postsecondary Education, or accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval.

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ATTACHMENT C

CACREP

SECTION 1: THE LEARNING ENVIRONMENT

The following Standards apply to all entry-level and doctoral-level programs for which accreditation is being sought unless otherwise specified.

THE INSTITUTION

- A. The academic unit is clearly identified as part of the institution's graduate degree offerings and has primary responsibility for the preparation of students in the program. If more than one academic unit has responsibility for the preparation of students in the program, the respective areas of responsibility and the relationships among and between them must be clearly documented.
- B. The institutional media accurately describe the academic unit, the core counselor education program faculty, and each program and specialty area offered, including admissions criteria, accreditation status, methods of instruction, minimum degree requirements, matriculation requirements, and financial aid information.
- C. The institution is committed to providing the program with sufficient financial support to ensure continuity, quality, and effectiveness in all of the program's learning environments.
- D. The institution provides opportunities for graduate assistantships for program students that are commensurate with graduate assistantship opportunities in other clinical programs in the institution.
- E. The institution provides support for counselor education program faculty to participate in professional activities, scholarly activities, and service to the profession.
- F. The institution provides learning resources appropriate for scholarly inquiry, study, and research relevant to counseling and accessible by all counselor education program faculty and students.
- G. The institution provides technical support to all counselor education program faculty and students to ensure access to information systems for learning, teaching, and research.
- H. The institution provides information to students in the program about personal counseling services provided by professionals other than counselor education program faculty and students.
- I. The institution provides adequate and appropriate access to counseling instruction environments (on or off campus) that are conducive to training and supervision of individual and group counseling. The counseling instruction environments include technologies and other observational capabilities as well as procedures for maintaining privacy and confidentiality.

THE ACADEMIC UNIT

- J. Entry-level degree specialty areas in Addiction Counseling; Clinical Mental Health Counseling; Clinical Rehabilitation Counseling; and Marriage, Couple, and Family Counseling consist of approved, graduate-level study with a minimum of 60 semester credit hours or 90 quarter credit hours required of all students. Until June 30, 2020, Career Counseling, College Counseling and Student Affairs, and School Counseling specialty areas require a minimum of 48 semester hours or 72 quarter hours. Beginning July 1, 2020, all entry-level degree programs require a minimum of 60 semester credit hours or 90 quarter credit hours for all students.
- K. The academic unit makes continuous and systematic efforts to attract, enroll, and retain a diverse group of students and to create and support an inclusive learning community.
- L. Entry-level admission decision recommendations are made by the academic unit's selection committee and include consideration of each applicant's (1) relevance of career goals, (2) aptitude for graduate-level study, (3) potential success in forming effective counseling relationships, and (4) respect for cultural differences.
- M. Before or at the beginning of the first term of enrollment in the academic unit, the program provides a new student orientation during which a student handbook is disseminated and discussed, students' ethical and professional obligations and personal growth expectations as counselors-in-training are explained, and eligibility for licensure/certification is reviewed.
- N. The student handbook includes (1) the mission statement of the academic unit and program objectives, (2) information about professional counseling organizations, opportunities for professional involvement, and activities appropriate for students, (3) matriculation requirements, (4) expectations of students, (5) academic appeal policy, (6) written endorsement policy explaining the procedures for recommending students for credentialing and employment, and (7) policy for student retention, remediation, and dismissal from the program.
- O. Counselor education programs have and follow a policy for student retention, remediation, and dismissal from the program consistent with institutional due process policies and with the counseling profession's ethical codes and standards of practice.
- P. Students in entry-level programs have an assigned advisor at all times during the program who helps them develop a planned program of study.
- Q. The academic unit makes continuous and systematic efforts to recruit, employ, and retain a diverse faculty to create and support an inclusive learning community.
- R. The academic unit has faculty resources of appropriate quality and sufficiency to meet the demands of the program. For entry-level programs, the academic unit must employ a minimum of three full-time core counselor education program faculty members who teach in the entry-level program. Core counselor education program faculty may only be designated as core faculty at one

institution.

- S. To ensure that students are taught primarily by core counselor education program faculty, for any calendar year, the combined number of course credit hours taught by non-core faculty must not exceed the number of credit hours taught by core faculty.
- T. For any calendar year, the ratio of full-time equivalent (FTE) students to FTE faculty should not exceed 12:1.
- U. The teaching and advising loads, scholarship, and service expectations of counselor education program faculty members are consistent with the institutional mission and the recognition that counselor preparation programs require extensive clinical instruction.
- V. Clerical assistance is available to support faculty/program activities and is commensurate with that provided for similar graduate programs.

FACULTY AND STAFF

- W. Core counselor education program faculty have earned doctoral degrees in counselor education, preferably from a CACREP-accredited program, or have related doctoral degrees and have been employed as full-time faculty members in a counselor education program for a minimum of one full academic year before July 1, 2013.
- X. Core counselor education program faculty identify with the counseling profession (1) through sustained memberships in professional counseling organizations, (2) through the maintenance of certifications and/or licenses related to their counseling specialty area(s), and (3) by showing evidence of sustained (a) professional development and renewal activities related to counseling, (b) professional service and advocacy in counseling, and (c) research and scholarly activity in counseling commensurate with their faculty role.
- Y. Within the structure of the institution's policies, the core counselor education program faculty have the authority to determine program curricula and to establish operational policies and procedures for the program.
- Z. Non-core faculty may be employed who support the mission, goals, and curriculum of the counselor education program. They must have graduate or professional degrees in a field that supports the mission of the program.
- AA. The core counselor education program faculty orient non-core faculty to program and accreditation requirements relevant to the courses they teach.
- BB. All core and non-core counselor education program faculty have relevant preparation and experience in relation to the courses they teach.
- CC. A core counselor education program faculty member is clearly designated as the academic unit leader for counselor education; this individual must have a written job description that includes (1) having responsibility for the coordination of the counseling program(s), (2) responding to inquiries regarding the overall academic unit, (3) providing input and making recommendations regarding the development of and expenditures from the budget, (4) providing or delegating year-round leadership to the operation of the program(s), and (5) receiving release time from faculty member responsibilities to administer the academic unit.
- DD. A program faculty member or administrator is identified as the practicum and internship coordinator for the academic unit and/or program; this individual must have a written job description that includes (1) having responsibility for the coordination of practicum and internship experiences in designated counselor education program(s), and (2) responding to inquiries regarding practicum and internship.

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To: Policy and Advocacy Committee Members **Date:** August 17, 2018
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817
Subject: LPCC Supervision Regulations

Background

The Board's Supervision Committee met 11 times from April 2014 to August 2016. The Committee focused on qualifications of supervisors, supervisor responsibilities, types of supervision provided, and employment of associates. Significant statutory and regulatory changes were proposed by the Committee. The proposed changes are based on extensive groundwork, including the results of a survey of supervisors and supervisees, a review of supervision standards in other states, and a great deal of stakeholder feedback.

The Committee's work resulted in AB 93 (current version provided in **Attachment D**, awaiting approval by the Senate) as well as proposed regulations. The full Board approved the proposed regulations in November 2016. However, AB 93 has had some significant changes since the time the regulations were initially approved. The proposed regulations have been revised in light of those changes, and also in consideration of recent feedback on other regulation proposals from the Office of Administrative Law and the Department of Consumer Affairs.

Assembly Bill 93

AB 93 does the following, as directly related to the proposed regulations:

- Allows a licensee to count time licensed in another state toward the following requirements to be a supervisor:
 - Held a license for at least 2 years
 - Held an active license for 2 of the past 5 years
 - Actively practiced or supervised for at least 2 of the past 5 years
- Allows supervision of students (social work interns or professional clinical counselor trainees) to count toward actively supervising for the "2 of the past 5 years" if it was substantially equivalent to supervision required for registrants.
- Modifies the definition of supervision and further outlines a supervisor's responsibilities, including addressing countertransference or other personal issues that may affect the supervisory or practitioner-patient relationship.
- States that consultation or peer discussion does not qualify as supervision (currently only in LCSW statute).

- Allows the Board to audit a supervisor's qualifications, and requires a supervisor to keep records of his or her qualifications for 7 years from termination of the supervision.
- In a private practice which is not a professional corporation, requires an associate to be supervised by an employee who practices at the same site as the associate's employer, or by an owner of the private practice (currently only in LMFT statute).
- Specifies that alternate supervision is allowed while the supervisor is on vacation or sick leave if the same requirements are met (currently only in LMFT statute).

Summary of Originally Proposed Regulations

Attachment A contains a draft of proposed amendments to licensed professional clinical counselor (LPCC) regulations. The originally proposed regulations, approved by the full Board in November 2016, are in black and white text, while the newly proposed changes are shown in **red** ~~strikeout~~ and **red** double underline (see next section for more information). The initially proposed regulations are summarized below:

- Specifies the required documentation pertaining supervised experience, including the following (see **Attachment B** for an overview of the proposed documentation requirements):
 - Requires a Supervision Agreement to be drawn up between the supervisor and supervisee, which includes the supervisor and supervisee's responsibilities, as well as a supervisory plan.
 - Requires supervisors to notify the Board that they are supervising and to perform a self-assessment of qualifications to supervise. Supervisors would submit the self-assessment to the Board, and provide a copy to each supervisee along with the Board's brochure pertaining to supervision.
 - Modifies and strengthens the written agreement required between the supervisor and the supervisee's employer when the supervisor is not employed by the supervisee's employer.
 - Specifies how completed hours of experience must be documented.
- Strengthens provisions related to monitoring and evaluating the supervisee.
- Requires supervisors to be reachable while supervisee is providing services.
- Requires an initial supervisor training of 15 hours for all professions (currently 6 hours for LPCC).
- Allows the 6 hours of continuing education (CE) required of supervisors every two years to also include professional development activities such as teaching a supervision course, authoring research focused on supervision, mentoring or consultation with other active supervisors, and attending supervisor peer discussion groups.
- Adds a section pertaining to supervised experience gained outside of California (currently only in LMFT regulations).

The vast majority of the amendments are the same across all three license types. However, a few are specific to each program. For a more descriptive explanation of the originally proposed changes approved by the full Board in November 2016, see **Attachment C**.

New Proposed Changes to Original Regulations

Attachment A indicates newly proposed changes to the regulations that were approved by the full Board in November 2016. The newly proposed amendments are shown in **red ~~strikeout~~** and **red double underline**. A summary of the changes are described below:

1. Wording and numbering changes for consistency with AB 93.
2. All implementation dates moved forward one year because AB 93 became a two-year bill.
3. Minor technical, grammatical and clarifying changes.
4. Clarifies what is meant by “standards of practice of the profession” (legal requirements and ethics codes) in the written agreement between the employer and supervisor (***section 1820(a)***).
5. Removes a reference to the 6-year limit on experience hours and makes it generic in the event the statute specifying this requirement were to change (***section 1820(c)(3)(E)(v)***).
6. Requires the supervisor to provide associates with procedures regarding handling crises and emergencies, prior to the commencement of supervision (timing was previously unspecified) (***section 1821(a)(12)***).
7. Requires additional information on the supervisor self-assessment report to help staff determine compliance with training requirements (***section 1821(d)(3)&(4)***).
8. Clarifies what is meant by “current best practices and current standards” (legal requirements, ethics codes and research on supervision) as it pertains to supervision training content (***section 1821.3(a)(1)***).
9. Clarifies that a 6-hour supervision training (refresher) course is required for a licensee who has previously served as a supervisor, but who has not supervised in the past 2 years (as opposed to “2 of the past 5 years”) (***section 1821.3(b)***).
10. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (***section 1821.3(c)***).

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend for consideration by the full Board as regulatory proposal.

Attachments

Attachment A: Proposed LPCC Supervision Language

Attachment B: Summary of Proposed Documentation Required Re: Supervision

Attachment C: Detailed Explanation of Previously Approved Changes to Supervision Statutes and Regulations

Attachment D: AB 93

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ATTACHMENT A

Proposed Amendments to Title 16, California Code of Regulations *LPCC Supervision Requirements*

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and red double underline.

ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1820 ~~EXPERIENCE~~ SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

~~(a) In order for experience to qualify under Section 4999.50(a)(2) of the Code, it must have been gained in accordance with Sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern; monitoring and evaluating the ability of the intern to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of professional clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.~~

~~(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:~~

- ~~(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,~~
- ~~(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.~~

~~(d) The term "community mental health setting," as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:~~

- ~~(1) Lawfully and regularly provides mental health counseling or psychotherapy;~~
- ~~(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;~~
- ~~(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,~~
- ~~(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~(e) Supervision shall be credited only upon the following conditions:~~

- ~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or intern shall have at least one (1) hour of one-on-one,~~

~~individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant or intern shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~(3)(a) Pursuant to section 4999.46.4 of the Business and Professions Code, In-in a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written oversight agreement ~~must~~ shall be executed between the supervisor and the organization, employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

(1) The written oversight agreement shall be executed prior to commencement of supervision and shall be submitted to the Board upon application for licensure.

~~(2), in which the supervisor agrees~~ The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the intern-supervisee is consistent with the intern's-supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

~~(4)(A)~~ Is aware of the licensing requirements that must be met by the intern supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

~~(2)(B)~~ Agrees to provide the supervisor access to clinical records of the clients counseled by the intern-supervisee; and

(C) Is aware that the supervisor will be providing clinical guidance to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

(b) Effective January 1, ~~2020~~ 2021, supervisors shall complete and submit a self-assessment report of pertaining to the licensee's qualifications to be a supervisor, as specified in section 1821.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The supervisor's licensee's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, acceptable supervision practices, and work settings, supervisee employment and oversight of supervisees as specified in sections 4999.46.1, ~~4999.46.2~~, 4999.46.3 and 4999.46.4 of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4999.46.2 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
 - (i) Requirements pertaining to registration as an associate as specified in section 4999.46.1 of the Code.
 - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1821.
 - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
 - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4999.46.3 of the Code.
 - (v) The ~~six (6)-year~~ age limit pertaining to experience hours as specified in section 4999.46 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1821, and in section 4999.12 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

~~(4)(d)~~ The applicant or intern-associate shall maintain a record weekly log of all hours of experience gained toward licensure on the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" (form No. 1800-37A-645 Revised 02/15), hereby incorporated by reference. The record log of hours must be signed by the supervisor on a weekly basis. An intern-associate shall retain all "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" the signed logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) Hours of experience gained ~~by per~~ category ~~in a given~~ each week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted ~~to the Board~~ by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number, and the supervisor's license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with sections 4999.46.3 and 4999.46.4 of the Code.
- (4) Documentation of employment or volunteer status, as specified in section 4999.46.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

~~(f) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.~~

NOTE: Authority cited: Sections 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections ~~4999.44, 4999.12, 4999.45, and 4999.46, through 4999.46.4, and 4999.47,~~ Business and Professions Code.

§ 1820.5. EXEMPTIONS FOR WORKING WITH COUPLES OR FAMILIES ASSESSMENT OR TREATMENT OF COUPLES AND FAMILIES: EXEMPTIONS AND SUPERVISED EXPERIENCE

(a) Clinical counselor trainees, as defined in ~~Section~~ section 4999.12, shall be exempt from ~~Section~~ section 4999.20 (a)(3) of the Code if the trainee is gaining supervised practicum experience to comply with sections 4999.32(c)(3)(I), or 4999.33(c)(3)(K) of the Code.

(b) Trainees may not count supervised experience with couples, ~~or families, or children~~ toward the requirements of section 4999.20(a)(3) of the Code.

(c) Professional clinical counselor ~~interns~~ associates and licensees shall be exempt from the scope of practice restrictions set forth in section 4999.20(a)(3) of the Code if the ~~intern~~ associate or licensee meets all of the following requirements:

(1) Is gaining supervised experience to comply with ~~Section~~ section 4999.20(a)(3)(B) or 4999.46~~(b)~~(2) of the Code.

(2) The supervised experience is gained under the direct supervision of a licensee who meets the definition of an "approved-supervisor" as described in ~~Section~~ section 4999.12(h) of the Code. If the supervisor is a licensed professional clinical counselor, he or she must also meet all requirements specified in ~~Section~~ section 4999.20(a)(3) of the Code. A supervisor who is a licensed clinical social worker, licensed psychologist, or licensed physician who is board certified in psychiatry, shall have sufficient education and experience in treating couples and families to competently practice couples and family therapy in California.

(d) Professional clinical counselor associates and licensees gaining experience with couples, families, or children toward meeting the requirements of section 4999.20(a)(3)(B) of the Code.

shall be supervised by a licensee who meets the qualifications of subsection (2) of paragraph (c) of this section.

(~~d~~ e) Collateral consultation may be provided to a family of an individual who is being treated by an LPCC or ~~intern~~ associate who does not meet the requirements of section 4999.20(a)(3) of the Code, and who is not working under supervision toward meeting the requirements of section 4999.20(a)(3) of the Code. Collateral contact with the family may include, but is not limited to, treatment planning, recommending resources, monitoring progress, or termination and aftercare planning.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4990.20, 4999.12, 4999.20, 4999.32, and 4999.33, and 4999.46, Business and Professions Code.

§1821. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising an ~~intern~~ associate (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

~~(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (form No. 1800-37A-643, New 3/10), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current ~~valid and active~~ California license that is not under suspension or probation as either a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or licensed physician who is certified in psychiatry as specified in section 4999.12 (h) of the Code and has been so licensed in California or in any other state for at least two (2) of the past five (5) years immediately prior to commencing any supervision.

(2) A supervisor who is not a licensed ~~as a~~ professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

~~(45) The supervisor has and maintains a current license in good standing and will immediately notify the ~~intern~~ associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to practice or supervise.~~

~~(56) The supervisor has practiced psychotherapy or provided direct clinical supervision of~~

marriage and family therapist trainees, associate marriage and family therapists interns, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or LPCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

(67) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1821.3.

~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

(78) The supervisor knows and understands the laws statutes and regulations pertaining to both the supervision of interns associates and the experience required for licensure as a professional clinical counselor.

(89) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the intern supervisee is consistent with the education, training, and experience of the intern associate supervisee.

(910) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern supervisee by review of progress notes, process notes and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent, direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the associate with a copy of all assessments.

(12) The supervisor shall address with the intern the manner in which emergencies will be handled establish written procedures for associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associates in handling crises and emergencies. The supervisor shall provide these procedures to the associate prior to the commencement of supervision.

(13) If the supervisor is a licensed professional clinical counselor who is supervising an

associate marriage and family therapist or a marriage and family therapist trainee; or who is supervising an associate professional clinical counselor or licensee seeking experience to assess and treat couples and families in compliance with section 4999.20(a)(3)(B) of the code, then the supervisor shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of section 4999.20.

~~(c) Each supervisor shall provide the intern with the original signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) prior to the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) from each supervisor upon application for examination eligibility.~~

~~(d)(b) A supervisor shall give at least one (1) week's prior written notice to an intern-associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.~~

~~(e)(c) The supervisor shall obtain from each intern-associate for whom supervision will be provided, the name, address, and telephone number of the intern's-associate's most recent supervisor and employer.~~

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.~~

(d) Effective January 1, 2020 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) The supervisor's licensee's qualifications to be a supervisor as specified in section 1821 and section 4999.12 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee initially began supervising, and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.
- (4) The date the supervisor's compliance with completed the training required by section 1821.3, and the length of the course(s) taken.
- (5) The supervisor states that he or she understands all of the following:
 - (A) The supervisor's license must meet the supervisor requirements qualifications set forth in section 1821 and section 4999.12 of the Code for a supervisee's experience hours to be credited toward licensure.
 - (B) The supervisee notification requirement set forth in paragraph (a)(5) of this section.
 - (C) The requirements set forth in section 4999.46.4 of the Code pertaining to the

maximum number of registrants.

- (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4999.46.5 of the Code.
- (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1820.

(e) ~~New supervisors Licensees who have not previously served as a board-qualified supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020 2021~~, shall submit a self-assessment report to the Board by December 31, ~~2020 2021~~.

(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(h) ~~The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).~~

*NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.
Reference: Sections 4999.12, 4999.20, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 and 4999.46 through 4999.46.5, Business and Professions Code.*

§1821.1 SUBSTITUTE SUPERVISORS

- (a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.
- (b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1820, and the substitute supervisor shall sign the weekly log specified in section 1820.
- (c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:
 - 1) A new supervisory plan, ~~as specified in section 1820(c)(3)(F),~~ is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
 - 2) The experience gained during that 30-day period may be verified, ~~as specified in section 1820(e),~~ by the regular supervisor.
- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1820.~~

*NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.
Reference: Sections 4999.12, 4999.46 and 4999.46.4, Business and Professions Code.*

§1821.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license or certification which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a professional clinical counselor, clinical social worker, psychologist, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code.
Reference: Sections 4999.12, 4999.60 and 4999.61, Business and Professions Code.

§1821.3. SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, ~~2019~~ 2020, supervisors licensees who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation Article 8. If taken from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~, the training may apply towards the approved continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.
- 1) The training content ~~of such training~~ shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:

 - (A) Competencies necessary for new supervisors;
 - (B) Goal setting and evaluation;
 - (C) The supervisor-supervisee relationship;
 - (D) California law and ethics, including legal and ethical issues related to supervision;
 - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
 - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
 - (G) Supervision theories and literature; and

- (H) Documentation and record keeping of the supervisee's client files, as well as ~~documentation of~~ supervision.
- 2) If taken from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.
 - 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) ~~A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.~~
- (c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in~~ during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and ~~shall be documented records of completion shall be maintained as specified in section 4999.46.5 of the Code:~~
- 1) Training or coursework ~~directly covering specific to~~ the topic of supervision, obtained from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
 - 2) Teaching a supervision course as ~~specified described~~ in subparagraph (1).
 - 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~It This~~ shall not include personal opinion papers, editorials, or blogs.
 - 4) Collaboration with another ~~board~~ licensee who also ~~qualifies serves~~ as a ~~board-qualified~~ supervisor through ~~the~~ use of mentoring or consultation.
 - 5) Attendance at supervisor peer discussion groups with other ~~board~~ licensees who also ~~qualify serve~~ as ~~board-qualified~~ supervisors.
- (d) (1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4990.20 and 4999.48, Business and Professions Code. Reference: Sections 4999.12 and 4999.48, Business and Professions Code.

§1822. SUPERVISORY PLAN

~~(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800-37A-521, Rev. 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the professional clinical counselor intern to the board upon application for examination eligibility.~~

~~Note: Authority cited: Section 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 Business and Professions Code.~~

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ATTACHMENT B

Proposed Supervision Documentation Requirements

Title 16, California Code of Regulations Sections 1820, 1833 and 1869

Supervision Agreement

Supervisor and supervisee sign an agreement, submitted by the supervisee to the Board upon application for licensure. Includes the following:

- The licensee's qualifications to be a supervisor
- Supervisor understands requirements including:
 - Supervisee registration, employment and work settings
 - Oversight of supervisee and direct supervisor contact
 - Supervision documentation
- Supervisory plan that contains goals and objectives
- Supervisee understands requirements including:
 - Registration and employment
 - Supervisor's license and supervisory relationship
 - Documentation of experience

Supervisor Self-Assessment

Report by the licensee to be submitted to the Board* pertaining to the licensee's qualifications to be a supervisor. Includes the following:

- The licensee's qualifications to be a supervisor
- The date the licensee began supervising and complied with training requirements
- Supervisor understands requirements including:
 - Supervisor must meet qualifications or supervisee's hours won't count toward licensure
- The maximum number of supervisees
- The Board's right to audit supervisor qualifications
- Supervision Agreement requirement

**Must be submitted by the supervisor within 60 days of commencing any supervision (or by 12/31/2021 for current supervisors)*

Weekly Experience Log

New for LCSW

Current requirement for LPCC & LMFT

Supervisee maintains a log of all experience gained toward licensure, signed by the supervisor weekly. Submitted to the Board only upon request.

Experience Verification Form

Currently required but not specified in law

Supervisor verifies the supervisee's experience upon completion of supervision. Submitted by the supervisee to the Board upon application for licensure

Written Oversight Agreement

Required when the supervisor is not employed by the supervisee's employer. Must be submitted by the supervisee to the Board upon application for licensure. The agreement includes:

- Supervisor takes responsibility for extent, kind and quality of counseling performed by supervisee and its consistency with the supervisee's training and experience;
- Employer agrees not to interfere with compliance with licensing requirements;
- Employer agrees to provide the supervisor with access to clinical records; and,
- Employer agrees not to interfere with supervisor's clinical guidance to supervisee.

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ATTACHMENT C

DETAILED EXPLANATION OF PREVIOUSLY APPROVED CHANGES TO SUPERVISION STATUTES AND REGULATIONS

This is a summary of the proposed amendments to both statutes and regulations originally made by the Supervision Committee and approved by the full Board in November 2016. Most of the amendments are the same across all three license types (LCSW, LMFT and LPCC). *Italicized text at the bottom of each item indicates whether the amendments are the same or if they differ by license type.*

1. **Revised Titles and Definitions of “Intern” and “Applicant”:** The titles and definitions of “Intern” and “Applicant” have been amended. First, the “intern” title has been changed to “associate” to comply with the title change that becomes effective on January 1, 2018. The definition of “Associate” (formerly “Intern”) now includes either someone who is registered with the Board, or someone who applies for registration as an associate within 90 days of the degree award date. The definition of “Applicant” was renamed “Applicant for licensure.” The definition was amended to mean an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

Section Affected: BPC §4999.12(d) and (f); Change also proposed for LMFT.

2. **Approved Supervisors:** The “approved supervisor” title defined in Section 4999.12 has been amended to define “supervisor” only. This is for consistency with the Board’s other license types and to ensure that the definition applies to all instances where the “supervisor” term is used.

Section Affected: BPC §4999.12(h); Change for LPCC only.

3. **Supervisors Licensed for at Least Two Years:** Current law requires a supervisor to have been licensed in California for at least two years. The amendments allow a licensee to supervise if he or she has been actively licensed in California or held an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision. The supervisor must have and maintain a current and active California license at all times while supervising.

Sections Affected: BPC §4999.12(h), 16 CCR §§1821 and 1821.1; Change also proposed for LCSW and LMFT.

4. **Experience Required of Supervisors:** In order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years. However, the wording of this law is inconsistent across the Board’s license types, and in some cases it is unclear if supervision of LPCC trainees or master’s level social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board’s license types. This language has been added to both statute and regulation for clarity.

Section Affected: BPC § 4999.12, 16 CCR §1821(b)(5); Change also proposed for LCSW and LMFT.

5. **LPCC Supervising an Associate or LPCC licensee Seeking Experience to Treat Couples and Families:** Language was added to clarify that in order for an LPCC to supervise either an associate MFT, MFT trainee, associate PCC, or an LPCC licensee seeking the required experience to treat couples and families, the supervisor must meet the additional training and education requirements specified by BPC section 4999.20.

Sections Affected: BPC §4999.12(h)(2), 16 CCR §1821(a)(12); Change is for LPCC only.

6. **Definition of Supervision:** The definition of “supervision” has been revised from previous meetings to include responsibility for, and control of, the quality of services being provided. The amendments also state that consultation or peer discussion is not supervision and does not qualify as supervised experience. These changes are consistent with what is already in LCSW law, and the changes are also being made to LMFT law.

The following additions have also been made to the definition of supervision:

- A statement about providing regular feedback to the associate or trainee;
- An amendment to require the supervisor to monitor for and address clinical dynamics, such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect the supervisory or the practitioner-patient relationship; *(Note – significant amendments to this subsection were made at the Policy and Advocacy Committee meeting.)*
- An amendment stating that the supervisor should review progress notes, process notes, and other patient treatment records as he or she deems appropriate, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

Sections Affected: BPC §4999.12(m), 16 CCR §1821(b)(9); Change also proposed for LCSW and LMFT.

7. **Definition of “Clinical Setting” and “Community Mental Health Setting”:** The definitions of “clinical setting” and “community mental health setting” have been moved from regulations to statute, as staff believes placing them in statute with the other defined terms is more appropriate.

Stakeholders and Board licensing staff expressed interest in amending the definition of “community mental health setting” due to confusion about the term. The Supervision Committee directed staff to clarify that this setting shall not be a private practice, but to delete the language about ownership of the private practice because that language was causing confusion.

Sections Affected: BPC §4999.12(n) and (o), 16 CCR §1820; Change is for LPCC only.

8. **Split BPC Section 4999.46:** BPC Section 4999.46 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

Sections Affected: BPC §§4999.46 – 4999.46.5; Change is for LPCC only.

9. Prohibition on Independent Contracting - Gaining Experience vs. Performing

Services: Current LPCC statute states that PCC trainees, associates, and applicants may only perform services as an employee or a volunteer. It goes on to state that experience shall not be gained by associates or trainees as an independent contractor (BPC §4999.47(a)). The Supervision Committee recommended clarifying the language to state that no trainees, associates, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Affected: BPC §4999.46.3(a); Change also proposed for LCSW and LMFT, though some of this language is new for LCSW.

10. Prohibition on Independent Contracting - Submission of 1099 Documentation:

Applicants for licensure occasionally submit a “1099” tax form, which typically indicates the individual was an independent contractor. However, the applicant may truly have been a volunteer, but received reimbursement of expenses (such as travel) which resulted in the employer issuing a 1099 for the amount reimbursed.

Current law allows those who receive a maximum of \$500 per month as reimbursement of expenses, to be considered as an employee and not an independent contractor. Applicants must demonstrate that the payments were for reimbursement of expenses actually incurred. The Supervision Committee decided that the specific dollar amount should be removed from the law.

In addition, staff is increasingly aware of individuals who are awarded a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession. An exception for stipends and loan repayments is also proposed to be added.

Section Affected: BPC §4999.46.3(g),(h); Change also proposed for LMFT and LCSW.

11. BPC Sections 4999.34, 4999.44, 4999.455, and 4999.47: Trainee and Associate

Requirements: BPC sections 4999.34, 4999.44, 4999.455, and 4999.47 have been moved to other newly proposed sections of law, in order to provide better flow in the placement of the law, and to provide more consistency with LMFT licensing law.

Section Affected: BPC §§4999.34, 4999.44, 4999.455, 4999.46.3, 4999.46.4; Change is for LPCC only.

12. Handling Crises and Emergencies: The American Counseling Association’s Ethical Code requires supervisors to establish and communicate to supervisees procedures for contacting either the supervisor, or an alternate on-call supervisor, in a crisis. The Committee decided to adopt this requirement for all supervisors.

Section Affected: 16 CCR §1820(b)(11); Change also proposed for LCSW and LMFT.

13. Direct Supervisor Contact: Currently, trainees and associates must receive one hour of direct supervisor contact per week per work setting. Supervisees must obtain additional supervision once they perform a specified amount of client contact or face-to-face psychotherapy in each setting.

The amendment changes “client contact” and “face-to-face psychotherapy” to “direct clinical counseling” as the basis for which the amount of supervision is determined. References in sections 4999.46(a) and 4999.46.2 (a) and (b) have been amended to instead reference “direct clinical counseling” for consistency.

Section Affected: BPC §§ 4999.46(a), 4999.46.2(a), (b)(1); Change also proposed for LCSW and LMFT.

14. Amount of Direct Supervisor Contact Required for Applicants Finished Gaining

Experience Hours: Currently, the statute does not specifically define how much direct supervisor contact an associate MFT or Associate PCC needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour in that week if more than 10 hours of direct client contact is gained, in order for the hours to count.)

The amendment specifies that these associates and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Supervision for nonclinical practice would be at the supervisor’s discretion.

Section Affected: BPC §4999.46.2(i); Change also proposed for LCSW and LMFT.

15. Definition of “One Hour of Direct Supervisor Contact”; Triadic Supervision: These revisions provide a specific definition of “one hour of direct supervisor contact.” Triadic supervision (one supervisor meeting with two supervisees) is now included in this definition.

Section Affected: BPC §4999.46.2(c); Change also proposed for LCSW and LMFT.

16. Amount of Individual Supervision: Current regulations require 52 of the 104 required supervised weeks to have included one hour per week of individual supervision. Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

Section Affected: BPC §44999.46.2(e); Change also proposed for LCSW and LMFT.

17. Supervision in a Group: Current statute allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate for each supervisee.

Section Affected: BPC §4999.46.2(f); Change also proposed for LCSW and LMFT.

18. Supervision via Videoconferencing and HIPAA Compliance: Current statute contains language allowing an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in statute, as its name could possibly change over time. Therefore, staff has added a

statement that “*The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.*”

Section Affected: BPC §4999.46.2(g); Change also proposed for LCSW and LMFT.

- 19. Professional Clinical Counselor Corporations:** Current statute limits the number of registrants a professional clinical counselor corporation may employ. However, the use of the word “employ” is intended to include both employees and volunteers. Since volunteers are not actually employed, the language has been revised to more accurately account for this. Additionally, the language regarding limits on number of registrants working for professional clinical counselor corporations has been separated into subsections for clarity purposes.

Section Affected: BPC §4999.46.4; Change also proposed for LCSW and LMFT.

- 20. Supervision in a Non-Private Practice Setting – Written Agreement:** Currently, a supervisor only needs to sign a written agreement with the supervisee’s employer if the supervisor is a volunteer (volunteer supervisors are not allowed in private practice). The purpose of the agreement is to document that the employer agrees to provide the supervisor with access to records and will not interfere with the supervisor’s legal and ethical responsibilities.

An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the supervisee’s employer or is a volunteer. Proposed amendments would require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

Sections Affected: BPC §4999.46.4(e), 16 CCR §1820(a) Change also proposed for LPCC and LCSW (though current LCSW law differs).

- 21. Associates Incurring Business Expenses:** Current statute prohibits associates from having any proprietary interest in their employer’s business. Additional language has been added stating that an associate shall not lease or rent space, or pay for furnishings, equipment, supplies or other expenses that are the obligation of their employers. This language is consistent with language already in LCSW and LMFT statute.

Section Affected: BPC §4999.46.3(f); Change is for LPCC only.

- 22. Unprofessional Conduct:** This section currently states that the following two items are unprofessional conduct:

4999.90(r) Any conduct in the supervision of a registered intern, associate clinical social worker, or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

4999.90 (u) The violation of any statute or regulation of the standards of the profession, and the nature services being rendered, governing the gaining and supervision of experience required by this chapter.

At prior committee meetings, staff was recommending deleting subsection 4999.90(r), because the two sections appear duplicative. However, after further discussion with the Board's enforcement unit, this deletion is no longer recommended. The enforcement unit believes subsection 4990(r) is useful in cases of supervisor violations, while 4990(u) is more useful for supervisee violations.

In addition, unprofessional conduct language related to discipline is inconsistent between LMFT, LCSW, and LPCC statute. The language in 4999.90(t) and (u) are being amended to be more consistent with the language for the other license types.

Section Affected: BPC §4999.90; Some changes are for LPCC only.

23. Delete Duplicative and Obsolete Language in Regulations; Move Language to Statute:

Several provisions in regulation sections 1820 and 1821 are either already in statute, or are outdated. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1820 discuss specific forms that supervisors or supervisees are required to complete.

Section Affected: 16 CCR §§1820, 1821; Changes for LPCC only.

24. Experience Gained Outside of California: A section has been added to regulations discussing required criteria for supervision gained outside of California. This new section is similar to a section that already exists in LMFT regulations.

Section Affected: 16 CCR §1821.2; Change is specific to LPCC only.

25. Substitute Supervisors: It is sometimes necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in.

Section Added: 16 CCR §1821.1; Change also proposed for LCSW and LMFT.

26. Required Training and Coursework for Supervisors: This section requires Board licensed supervisors commencing supervision for the first time in California, as of January 1, 2019, to complete a 15 hour supervision course covering specified topic areas. This is consistent with a similar requirement already in place for LCSW supervisors. Age limits for the course are specified, and the course can be counted as continuing education if taken from an accepted provider. Any supervisor who has not supervised in 2 of the last 5 years, must re-take a 6 hour course.

This new section also specifies that supervisors must complete 6 hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. All of these activities must be documented.

The option to count research published professionally toward the continuing professional development requirement was recently amended. The language now states the following: *"This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work*

deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.”

An exception to the initial and ongoing training requirements is proposed for a supervisor who holds a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and 6 hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two of the past five years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework, consistent with current law.

Section Added: 16 CCR §1821.2; Change also proposed for LCSW and LMFT.

- 27. Annual Assessment:** LCSW regulations require a supervisor to complete an annual assessment of the strengths and limitations of the registrant and to provide the registrant with a copy. The Committee decided that an annual assessment should also be required for LMFT and LPCC applicants.

Section Affected: 16 CCR §1821(b)(10) Change also proposed for LMFT (LCSW law already requires).

- 28. Supervisory Plan:** Current regulations require the supervisor and the supervisee to develop a “supervisory plan” that describes the goals and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee has requested language requiring that the supervisor and supervisee collaborate to develop the goals and objectives. This form will be merged with the Supervision Agreement as discussed in item #29 below.

Section Affected: CCR §1820(c); Change also proposed for LCSW and LMFT.

- 29. Supervision Agreement:** Currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

The Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” described in #28 above. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. It would include information about the supervisor’s qualifications, an acknowledgement of supervisor and supervisee responsibilities, and a description of the collaboratively developed goals and objectives of supervision. The original would be retained by the supervisee and submitted to the Board upon application for licensure.

Sections Affected: 16 CCR §§1820(b),(c), 1821(d),(e); Change also proposed for LCSW and LMFT.

30. Weekly Log: The “Weekly Log” form is for the purpose of tracking completed supervised experience. The form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the text of the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form in the regulation.

Section Affected: 16 CCR §1820(d); Change also proposed for LMFT (weekly log will be newly required for LCSW).

31. Experience Verification: Staff became aware that current regulations do not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The proposed regulations now clarify this requirement.

Section Affected: 16 CCR §1820(e); Change also proposed for LCSW and LMFT.

32. Supervisor Self-Assessment and Listing of Supervisors: The Board has no record of the licensees who are currently supervising trainees and associates. This information is only known once an applicant for licensure submits verification of completed supervised experience. This also means that registrants seeking supervision do not have any straightforward way to search for a supervisor.

To address these issues, and in light of the benefits detailed below, the Committee proposed requiring all supervisors to perform a self-assessment of qualifications, which would confirm that the licensee meets all requirements to be a supervisor. The self-assessment would be submitted to the Board for review within 60 days of commencing supervision. For supervisors who are BBS licensees, a “supervisor” notation would be added to the licensee’s public online record (the Board is unable to add a notation to Psychologist and Psychiatrist records).

The Committee’s goal in creating the self-assessment process was to create a framework that increases accountability without creating a significant impact on current or future supervisors.

Some of the benefits to this new process for supervisors are:

- Supervisees will have more assurance that his or her supervisor meets all requirements.
- Supervisors will have more awareness of (and better adherence to) requirements, which better protects the supervisee.
- Supervisors will be searchable online through Breeze, which would assist individuals in finding a supervisor.
- The Board will have the ability to target communications directly to supervisors.

The supervisor’s listing with the Board would be initiated by submission of the “Supervisor Self-Assessment” report signed under penalty of perjury. This report would indicate the supervisor’s specific qualifications, and will require the supervisor to acknowledge certain responsibilities set forth in law. Implementation of this framework would create a significant new workload that cannot be absorbed by existing staff. In addition, there would be a fiscal impact to the Board for new positions and Breeze changes.

The effective date of this requirement would be delayed to January 1, 2021 to allow time for the Breeze system to be modified so that supervisors who are BBS licensees will be searchable. New supervisors would be required to submit the “Supervisor Self-Assessment Report” within 60 days of commencing any supervision. The deadline date for existing supervisors (those supervising prior to January 1, 2021) is proposed to be December 31, 2021. This extended deadline is necessary so that this new workload dealing with tens of thousands of licensees will be manageable.

Sections Affected: 16 CCR §§ 1820(b), 1821(d),(e); Change also proposed for LCSW and LMFT.

33. Timelines for Supervisors: The proposed regulations establish timelines to complete specified activities as follows:

- The “Supervisor Self-Assessment” must be completed and submitted to the Board within 60 days of a new supervisor commencing any supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by December 31, 2020.
- The “Supervision Agreement” would be implemented upon approval of the proposed regulations, and must be completed within 60 days of commencing supervision with any individual supervisee.
- The initial 15-hour supervision training course must be completed by new supervisors within one of the following time frames:
 - Within two (2) years prior to commencing supervision OR
 - Within four (4) years prior to commencing supervision if taken from a graduate program at an accredited or approved school OR
 - Within 60 days after commencing supervision.

Sections Affected: 16 CCR §§ 1820(b),(c), 1821(d),(e), 1821.2(a); Change also proposed for LCSW and LMFT.

34. Audits of Supervisors: A section has been added to allow the Board to audit a supervisor’s records to verify they meet the supervisor qualifications specified in statute and regulations. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The “Supervisor Self-Assessment Report,” would be used in such audits.

Section 1886 of the Board’s regulations already provides authority to issue citations and fines to licensees for violations of its statutes and regulations. Supervisors found to be in violation would be subject to citation and fine.

Section Added: BPC §4999.46.5; Change also proposed for LCSW and LMFT.

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AB-93 Healing arts: marriage and family therapists: clinical social workers: professional clinical counselors: required experience and supervision. (2017-2018)



(C) A psychological assistant.

(D) A registered psychologist.

(E) A trainee under the supervision of a licensed psychologist.

(F) A marriage and family therapist.

(G) An associate marriage and family therapist.

(H) A marriage and family therapist trainee.

(I) A licensed educational psychologist.

(J) A clinical social worker.

(K) An associate clinical social worker.

(L) A licensed professional clinical counselor.

(M) An associate professional clinical counselor, as specified in Chapter 16 (commencing with Section 4999.10).

(N) A professional clinical counselor trainee, as specified in Chapter 16 (commencing with Section 4999.10).

(2) "Sexual behavior" means inappropriate contact or communication of a sexual nature. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues.

~~(2)~~ (3) "Sexual contact" means the touching of an intimate part of another person.

~~(3)~~ (4) "Intimate part" and "touching" have the same **meaning meanings** as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

~~(4)~~ (5) "The course of a prior treatment" means the period of time during which a **patient client** first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the **patient client** as being within his or her scope of practice, until the ~~psychotherapist-patient~~ **psychotherapist-client** relationship is terminated.

SEC. 2. Section 2290.5 of the Business and Professions Code is amended to read:

2290.5. (a) For purposes of this division, the following definitions shall apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means either of the following:

(A) A person who is licensed under this division.

(B) ~~A~~ **An associate** marriage and family therapist ~~intern or~~ **or marriage and family therapist** trainee functioning pursuant to Section ~~4980.43~~ **4980.43.3**.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use

of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

SEC. 2.5. Section 2290.5 of the Business and Professions Code is amended to read:

2290.5. (a) For purposes of this division, the following definitions shall apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site without the presence of the patient.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means either of the following:

(A) A person who is licensed under this division.

(B) ~~A~~ *An associate* marriage and family therapist ~~intern or~~ *or marriage and family therapist* trainee functioning pursuant to Section ~~4980.43~~ *4980.43.3*.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while the patient is at the originating site and the health care provider is at a distant site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) Nothing in this section shall preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to telehealth interactions.

(g) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(h) (1) Notwithstanding any other provision of law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

SEC. 3. Section 4980.01 of the Business and Professions Code is amended to read:

4980.01. (a) ~~Nothing in this~~ *This* chapter shall *not* be construed to constrict, limit, or withdraw the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Act.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his or her professional practice.

(c) (1) This chapter shall not apply to an employee working in any of the following settings if his or her work is performed solely under the supervision of the employer:

(A) A governmental entity.

(B) A school, college, or university.

(C) An institution that is both nonprofit and charitable.

(2) This chapter shall not apply to a volunteer working in any of the settings described in paragraph (1) if his or her work is performed solely under the supervision of the entity, school, or institution.

(d) A marriage and family therapist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care ~~practitioner~~ *provider* subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

(e) Notwithstanding subdivisions (b) and (c), all persons registered as ~~interns~~ *associates* or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

SEC. 4. Section 4980.03 of the Business and Professions Code is amended to read:

4980.03. (a) "Board," as used in this chapter, means the Board of Behavioral Sciences.

(b) ~~"Intern,"~~ *"Associate,"* as used in this chapter, means an unlicensed person who has earned his or her master's or doctoral degree qualifying him or her for licensure and is registered with the ~~board.~~ *board as an associate.*

(c) "Trainee," as used in this chapter, means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for

licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(d) ~~"Applicant,"~~ *"Applicant for licensure,"* as used in this chapter, means an unlicensed person who has completed ~~a master's or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.~~ *the required education and required hours of supervised experience for licensure.*

(e) "Advertise," as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(f) "Experience," as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct *clinical* counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family ~~therapist pursuant to Section 4980.40.~~ *therapist.*

(g) "Supervisor," as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.

~~(1) (B) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician~~ *A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is* certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) If *the supervisor is* a licensed professional clinical counselor, ~~the individual shall meet the~~ *he or she has completed the* additional training and education requirements specified in *subparagraphs (A) to (C), inclusive, of* paragraph (3) of subdivision (a) of Section 4999.20.

(3) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(4) Has received training in supervision as specified in this chapter and by regulation.

~~(3) (5) Has not provided therapeutic services to the~~ *trainee or intern.* *supervisee.*

~~(4) (6) Has~~ *and maintains* a current and ~~valid~~ *active* license that is not under suspension or ~~probation.~~ *probation as one of the following:*

(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

~~(5) (C) Complies with supervision requirements established by this chapter and by board regulations.~~ *A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.*

(7) Is not a spouse, domestic partner, or relative of the supervisee.

(8) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(h) "Client centered advocacy," as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

SEC. 5. Section 4980.35 of the Business and Professions Code is amended to read:

4980.35. (a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.

(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants ~~for licensure~~ may develop greater cooperation, the board shall do all of the following:

(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage and family therapy to the relevant educational institutions, supervisors, professional associations, applicants, trainees, ~~interns~~, *associates*, and the consuming public.

(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of Sections 4980.36 and 4980.37 and any regulations adopted pursuant to those sections, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student's application for licensure.

(3) Notify applicants in the application procedure when applications are incomplete, inaccurate, or deficient, and inform applicants of any remediation, reconsideration, or appeal procedures that may be applicable.

(4) Undertake, or cause to be undertaken, further comprehensive review, in consultation with educational institutions, professional associations, supervisors, ~~interns~~, *associates*, and trainees, of the supervision of ~~interns~~ *associates* and trainees, which shall include, but not be limited to, the following, and shall propose regulations regarding the supervision of ~~interns~~ *associates* and trainees ~~which that~~ may include, but not be limited to, the following:

(A) Supervisor qualifications.

(B) Continuing education requirements of supervisors.

(C) Registration or licensing of supervisors, or both.

(D) Responsibilities of supervisors in general.

(E) The board's authority in cases of noncompliance or negligence by supervisors.

(F) The ~~intern's~~ *associate's* and trainee's need for guidance in selecting well-balanced and ~~high-quality~~ *high-quality* professional training opportunities within his or her community.

(G) The role of the supervisor in advising and encouraging his or her ~~intern~~ *associate* or trainee regarding the necessity or value and appropriateness of the ~~intern~~ *associate* or trainee engaging in personal psychotherapy, so as to enable the ~~intern~~ *associate* or trainee to become a more competent marriage and family therapist.

SEC. 6. Section 4980.397 of the Business and Professions Code is amended to read:

4980.397. (a) ~~Effective January 1, 2016,~~ *A registrant or* an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination.

(b) Upon registration with the board, ~~a~~ *an associate* marriage and family therapist ~~intern~~ shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant *or an applicant for licensure* may take the clinical examination only upon meeting all of the following requirements:

- (1) Completion of all required supervised work experience.
- (2) Completion of all education requirements.
- (3) Passage of the California law and ethics examination.

~~(d) This section shall become operative on January 1, 2016.~~

SEC. 7. Section 4980.399 of the Business and Professions Code is amended to read:

4980.399. (a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

~~(c) Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.~~

~~(d)~~ (c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except as provided in subdivision ~~(e)~~: (d).

~~(e)~~ (d) If a registrant fails to obtain a passing score on the California law and ethics examination ~~described in subdivision (a)~~ within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state or governmental entity, or a college or university.

~~(f)~~ (e) The board shall not issue a subsequent registration number unless the *registrant applicant* has passed the California law and ethics examination.

~~(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.~~

~~(h) This section shall become operative on January 1, 2016.~~

SEC. 8. Section 4980.40 of the Business and Professions Code is amended to read:

4980.40. ~~To qualify for a license, an applicant shall have~~ *An applicant for licensure shall satisfy* all of the following qualifications:

- (a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.
- (b) Be at least 18 years of age.
- (c) Have at least two years of ~~experience that meet the requirements of Section 4980.43.~~ *supervised experience as specified in this chapter and its corresponding regulations.*
- (d) ~~Effective January 1, 2016, successfully~~ *Successfully* pass a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

~~(f) This section shall become operative on January 1, 2016.~~

SEC. 9. Section 4980.42 of the Business and Professions Code is amended to read:

4980.42. (a) Trainees performing services in any work setting specified in ~~subdivision (e) of Section 4980.43~~ *Section 4980.43.3* may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(b) Trainees subject to Section 4980.37 may gain hours of experience and counsel clients outside of the required practicum. This subdivision shall apply to hours of experience gained and client counseling provided on and after January 1, 2012.

(c) Trainees subject to Section 4980.36 may gain hours of experience outside of the required practicum but must be enrolled in a practicum course to counsel clients. Trainees subject to Section 4980.36 may counsel clients while not enrolled in a practicum course if the period of lapsed enrollment is less than 90 calendar days, and if that period is immediately preceded by enrollment in a practicum course and immediately followed by enrollment in a practicum course or completion of the degree program.

(d) All hours of experience gained pursuant to subdivisions (b) and (c) shall be subject to the other requirements of this chapter.

(e) All hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

SEC. 10. Section 4980.43 of the Business and Professions Code is amended to read:

4980.43. (a) *Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.*

(b) (1) *Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:*

(A) *The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.*

(B) *For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.*

(C) *The board subsequently grants the associate registration.*

(2) *The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.*

~~(a) (c) To qualify for licensure as specified in Section 4980.40, each applicant shall complete experience~~ *Supervised experience that is obtained for purposes of qualifying for licensure shall be* related to the practice of marriage and family therapy ~~under a supervisor who meets the qualifications set forth in Section 4980.03. The experience shall and~~ comply with the following:

(1) A minimum of 3,000 hours ~~of supervised experience~~ completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.

- (3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.
- (4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.
- (5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.
- (6) ~~No hours~~ *Hours* of experience ~~may~~ *shall not* be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.
- (7) ~~No hours~~ *Hours* of experience ~~may be~~ *shall not have been* gained more than six years prior to the date the application for ~~examination eligibility was filed,~~ *licensure was received by the board,* except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.
- (8) A minimum of 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.
- (9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.
- (10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

~~(b)~~ *(d)* An individual who submits an application for ~~examination eligibility~~ *licensure* between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements *of this section* that were in place on January 1, 2015.

~~(c) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.~~

~~(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.~~

~~(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.~~

~~(d) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:~~

~~(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.~~

~~(4) Direct supervisor contact shall occur within the same week as the hours claimed.~~

~~(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.~~

~~(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two way, real time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~

~~(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.~~

~~(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.~~

~~(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.~~

~~(f) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.~~

~~(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.~~

~~(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.~~

~~(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.~~

~~(g) Except as provided in subdivision (h), all persons shall register with the board as an intern to be credited for postdegree hours of supervised experience gained toward licensure.~~

~~(h) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~

~~(i) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

~~(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are~~

~~performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.~~

~~(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.~~

SEC. 11. *Section 4980.43.1 is added to the Business and Professions Code, to read:*

4980.43.1. *(a) All trainees, associates, and applicants for licensure shall be under the supervision of a supervisor at all times.*

(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.

(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of marriage and family therapy.

(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

SEC. 12. *Section 4980.43.2 is added to the Business and Professions Code, to read:*

4980.43.2. *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (9) of subdivision (a) of Section 4980.43, direct supervisor contact shall occur as follows:*

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (9) of subdivision (a) of Section 4980.43, shall be at the supervisor's discretion.

SEC. 13. Section 4980.43.3 is added to the Business and Professions Code, to read:

4980.43.3. (a) A trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) (1) A trainee shall not perform services in a private practice. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice.

(B) Lawfully and regularly provides mental health counseling or psychotherapy.

(C) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(2) Only experience gained in the position for which the trainee volunteers or is employed shall qualify as supervised experience.

(c) An associate may be credited with supervised experience completed in any setting that meets both of the following:

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4980.02.

(3) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(d) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(e) A trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(f) A trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(g) A trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payment received was for reimbursement of expenses actually incurred.

(h) A trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payment received was for the specified purposes.

(i) An associate or a trainee may provide services via telehealth that are in the scope of practice outlined in this chapter.

(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

SEC. 14. Section 4980.43.5 is added to the Business and Professions Code, to read:

4980.43.5. The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of the supervision and shall make these records available to the board for auditing purposes upon request.

SEC. 15. Section 4980.44 of the Business and Professions Code is amended to read:

4980.44. An ~~unlicensed~~ associate marriage and family therapist employed under this chapter shall comply with the following requirements:

~~(a) Possess, at a minimum, a master's degree as specified in Section 4980.36 or 4980.37, as applicable.~~

~~(b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (h) of Section 4980.43.~~

~~(c) (a) Prior to performing any professional services, inform each client or patient~~ *Inform each client or patient prior to performing any mental health and related services* that he or she is an unlicensed registered associate marriage and family therapist, provide his or her registration number and the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, ~~licensed psychologist,~~ *psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900),* or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

~~(d) (b)~~ (1) Any advertisement by or on behalf of a registered associate marriage and family therapist shall include, at a minimum, all of the following information:

(A) That he or she is a registered associate marriage and family therapist.

(B) The associate's registration number.

(C) The name of his or her employer.

(D) That he or she is supervised by a licensed person.

(2) The abbreviation "AMFT" shall not be used in an advertisement unless the title "registered associate marriage and family therapist" appears in the advertisement.

SEC. 16. Section 4980.45 of the Business and Professions Code is amended and renumbered to read:

~~4980.45. 4980.43.4.~~ (a) A ~~licensed professional in private practice who has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~ *trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.*

~~(b) A marriage and family therapy corporation may employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03. In no event shall any marriage and family therapy corporation employ, at any one time, more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the marriage and family therapy corporation and shall~~ *An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and* be actively engaged in performing professional services at ~~and for the marriage and family therapy corporation. Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~ *the site.*

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. Supervisees may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

~~(d) In a setting that is not a private practice:~~

~~(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(2) A supervisor shall evaluate the site or sites where a trainee or associate will be gaining experience to determine that the site or sites comply with the requirements set forth in this chapter.~~

~~(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.~~

SEC. 17. Section 4980.50 of the Business and Professions Code is amended to read:

~~4980.50. Effective January 1, 2016, the following shall apply:~~

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any ~~applicant,~~ *applicant* who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) ~~Effective January 1, 2016, no applicant shall~~ *An applicant for licensure shall not* be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(i) An applicant *for licensure* who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board ~~may deem~~ *deems* appropriate.

~~(j) This section shall become operative on January 1, 2016.~~

SEC. 18. Section 4980.78 of the Business and Professions Code is amended to read:

4980.78. (a) This section applies to persons who apply for licensure or registration ~~on or after January 1, 2016,~~ and who do not hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern~~ *associate*.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an ~~intern~~ *associate*.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed prior to registration as an ~~intern~~ *associate*.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an ~~intern~~ *associate*, unless otherwise specified.

(6) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

SEC. 18.5. Section 4980.78 of the Business and Professions Code is amended to read:

4980.78. (a) This section applies to persons who apply for licensure or registration ~~on or after January 1, 2016,~~ and who do not hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester *units* or 90 quarter units of instruction.

(ii) Up to 12 semester *units* or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern~~ *associate*.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester units or 72 quarter units of instruction.

(C) Six semester *units* or nine quarter units of *supervised* practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(D) Twelve semester *units* or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81, that did not contain instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an ~~intern~~ *associate*.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall contain content specific to California law and ethics. This coursework shall be completed prior to registration as an ~~intern~~ *associate*.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate courses shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an ~~intern~~, *associate*, unless otherwise specified.

(6) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

SEC. 19. Section 4980.79 of the Business and Professions Code is amended to read:

4980.79. (a) This section applies to persons who ~~apply for licensure or registration on or after January 1, 2016, and who~~ hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.72, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester or 90 quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern~~, *associate*.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester or 72 quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(i) An out-of-state applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate it by obtaining 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an ~~intern~~, *associate*.

(D) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) An applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 that did not include instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an ~~intern~~, *associate*.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an ~~intern~~ *associate*.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction pertaining to the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An ~~applicant's~~ *applicant's* degree title need not be identical to that required by subdivision (b) of Section 4980.36.

(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an ~~intern~~ *associate*, unless otherwise specified.

SEC. 19.5. *Section 4980.79 of the Business and Professions Code is amended to read:*

4980.79. (a) This section applies to persons who ~~apply for licensure or registration on or after January 1, 2016, and who~~ hold a license as described in Section 4980.72.

(b) For purposes of Section 4980.72, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.36, the degree shall contain no less than 60 semester *units* or 90 quarter units of instruction.

(ii) Up to 12 semester *units* or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern~~ *associate*.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4980.37, the degree shall contain no less than 48 semester *units* or 72 quarter units of instruction.

(C) Six semester *units* or nine quarter units of *supervised* practicum, including, but not limited to, a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy.

(i) An out-of-state applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the *supervised* practicum requirement, shall remediate it by obtaining 150 hours of

face-to-face experience counseling individuals, couples, families, or groups, and an additional 75 hours of either face-to-face experience counseling individuals, couples, families, or groups or client centered advocacy, or a combination of face-to-face experience counseling individuals, couples, families, or groups and client centered advocacy. These hours are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while registered as an ~~intern~~, *associate*.

(D) Twelve semester *units* or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) An applicant shall complete coursework in California law and ethics as follows:

(A) An applicant who completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 that did not include instruction in California law and ethics, shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process. This coursework shall be completed prior to registration as an ~~intern~~, *associate*.

(B) An applicant who has not completed a course in law and professional ethics for marriage and family therapists as specified in paragraph (8) of subdivision (a) of Section 4980.81 shall complete this required coursework. The coursework shall include content specific to California law and ethics. An applicant shall complete this coursework prior to registration as an ~~intern~~, *associate*.

(3) The applicant completes the educational requirements specified in Section 4980.81 not already completed in his or her education. The coursework may be from an accredited school, college, or university as specified in paragraph (1), from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited school, college, or university as specified in paragraph (1) above, from an educational institution approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board as defined in Section 4980.54. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction pertaining to the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An ~~applicant's~~ *applicant's* degree title need not be identical to that required by subdivision (b) of Section 4980.36.

(6) An applicant may complete any units and course content requirements required under paragraphs (3) and (4) not already completed in his or her education while registered as an ~~intern~~, *associate*, unless otherwise specified.

SEC. 20. Section 4982 of the Business and Professions Code is amended to read:

4982. The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

(d) Gross negligence or incompetence in the performance of marriage and family therapy.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of any registered ~~intern, associate clinical social worker, or trainee~~ *associate, trainee, or applicant for licensure* by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform ~~professional~~ *mental health* services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* under one's supervision or control to perform, or permitting the ~~trainee or registered intern~~ *trainee, registered associate, or applicant for licensure* to hold himself or herself out as competent to perform, ~~professional~~ *mental health* services beyond the ~~trainee's or registered intern's~~ *trainee's, registered associate's, or applicant for licensure's* level of education, training, or experience.

(u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(x) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(y) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(z) Failure to comply with Section 2290.5.

(aa) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(ab) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

SEC. 21. Section 4982.15 of the Business and Professions Code is amended to read:

4982.15. (a) The board may place a license or registration on probation under the following circumstances:

(1) In lieu of, or in addition to, any order of the board suspending or revoking the license or registration of any licensee or ~~intern~~ *associate*.

(2) Upon the issuance of a license to an individual who has been guilty of unprofessional conduct, but who had otherwise completed all education and training and experience required for licensure.

(3) As a condition upon the reissuance or reinstatement of any license that has been suspended or revoked by the board.

(b) The board may adopt regulations establishing a monitoring program to ensure compliance with any terms or conditions of probation imposed by the board pursuant to subdivision (a). The cost of probation or monitoring may be ordered to be paid by the licensee, registrant, or applicant.

(c) The board, in its discretion, may require any licensee or registrant who has been placed on probation, or whose license or registration has been suspended, to obtain additional professional training, and to pass an examination upon completion of that training, and to pay any necessary examination fee. The examination may be written, oral, or a practical or clinical examination.

SEC. 22. Section 4984.01 of the Business and Professions Code is amended to read:

4984.01. (a) The *associate* marriage and family therapist ~~intern~~ registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent ~~intern~~ *associate* registration number if the applicant meets the educational requirements for ~~registration in effect at the time of the application for a subsequent intern~~ a *subsequent associate* registration number and has passed the California law and ethics ~~examination described in Section 4980.399~~ examination. An applicant who is issued a subsequent ~~intern~~ *associate* registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

~~(d) This section shall become operative on January 1, 2016.~~

SEC. 22.5. Section 4984.01 of the Business and Professions Code is amended to read:

4984.01. (a) The *associate* marriage and family therapist ~~intern~~ registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to (4), inclusive, of subdivision (b).

~~(e)~~ (d) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent ~~intern associate~~ registration number if the applicant meets the educational requirements for ~~registration in effect at the time of the application for a subsequent intern~~ a subsequent associate registration number and has passed the California law and ethics ~~examination described in Section 4980.399-~~ examination. An applicant who is issued a subsequent ~~intern associate~~ registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

~~(d) This section shall become operative on January 1, 2016.~~

SEC. 23. Section 4984.7 of the Business and Professions Code is amended to read:

4984.7. (a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

- (1) The application fee for an associate registration shall be seventy-five dollars (\$75).
- (2) The renewal fee for an associate registration shall be seventy-five dollars (\$75).
- (3) The fee for the application for licensure shall be one hundred dollars (\$100).
- (4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).
- (A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.
- (B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.
- (5) The fee for rescoring an examination shall be twenty dollars (\$20).
- (6) The fee for *the* issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).
- (7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).
- (8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).
- (9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.
- (10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
- (11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
- (12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish *the* fee amounts at or below the maximum amounts specified in this chapter.

SEC. 24. Section 4992.05 of the Business and Professions Code is amended to read:

4992.05. (a) ~~Effective January 1, 2016,~~ A *registrant or* an applicant for licensure as a clinical social worker shall pass the following two examinations as prescribed by the board:

- (1) A California law and ethics examination.
- (2) A clinical examination.

(b) Upon registration with the board, an associate clinical social worker ~~registrant shall,~~ *registrant,* within the first year of registration, *shall* take an examination on California law and ethics.

(c) A registrant *or an applicant for licensure* may take the clinical examination only upon meeting all of the following requirements:

- (1) Completion of all education requirements.
- (2) Passage of the California law and ethics examination.
- (3) Completion of all required supervised work experience.

~~(d) This section shall become operative on January 1, 2016.~~

SEC. 25. Section 4992.09 of the Business and Professions Code is amended to read:

4992.09. (a) Except as provided in subdivision (a) of Section 4992.07, an applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

~~(c) Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.~~

~~(d)~~ (c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except for as provided in subdivision ~~(e)~~: (d).

~~(e)~~ (d) If a registrant fails to obtain a passing score on the California law and ethics examination ~~described in subdivision (a)~~ within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider, as specified by the board by regulation, a county, state or governmental entity, or a college or university.

~~(f)~~ (e) The board shall not issue a subsequent registration number unless the *registrant applicant* has passed the California law and ethics examination.

~~(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.~~

~~(h) This section shall become operative on January 1, 2016.~~

SEC. 26. Section 4992.3 of the Business and Professions Code is amended to read:

4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order

under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Incompetence in the performance of clinical social work.

(e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.

(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.

(g) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

(h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(i) Aiding or **abetting** *abetting, or employing, directly or indirectly,* any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(j) Intentionally or recklessly causing physical or emotional harm to any client.

(k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.

(m) Performing, or holding **one's self** *oneself* out as being able to perform, or offering to perform or permitting, any registered **associate clinical social worker or intern** *associate, trainee, or applicant for licensure* under supervision to perform any professional services beyond the scope of **one's competence, as established by one's education, training, or experience.** *This subdivision shall not be construed to expand the scope of the* **the** license authorized by this chapter.

(n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).

(q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.

(s) Any conduct in the supervision of any registered **associate clinical social worker, intern, or trainee** *associate, trainee, or applicant for licensure* by any licensee that violates this chapter or any rules or regulations adopted by the board.

(t) Performing or holding oneself out as being able to perform mental health services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(u) Permitting an applicant for licensure, trainee, or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, mental health services beyond the supervisee's level of education, training, or experience.

(v) The violation of any law governing the gaining or supervision of experience required by this chapter.

(t) (w) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(u) (x) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(v) (y) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(w) (z) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(x) (aa) Failure to comply with Section 2290.5.

(y) (ab) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(z) (ac) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

SEC. 27. Section 4996.17 of the Business and Professions Code is amended to read:

4996.17. (a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) **Commencing January 1, 2014, an** *An* applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than ~~3,200~~ ~~3,000~~ hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) ~~Commencing January 1, 2014, completion~~ *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 27.1. *Section 4996.17 of the Business and Professions Code is amended to read:*

4996.17. (a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) **Commencing January 1, 2014, an** *An* applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than **3,200** *3,000* hours of **qualifying** supervised experience, time actively licensed as a

clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to

confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 27.2. Section 4996.17 of the Business and Professions Code is amended to read:

4996.17. (a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) **Commencing January 1, 2014, an An** applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than **3,200 3,000** hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may **apply qualify** for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 27.3. *Section 4996.17 of the Business and Professions Code is amended to read:*

4996.17. (a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) **Commencing January 1, 2014, an An** applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(b) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than **3,200 3,000** hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) **Commencing January 1, 2014, completion** *Completion* of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process. *This coursework shall be completed before registration as an associate.*

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is in good standing and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) An applicant who obtained his or her license or registration under another jurisdiction may **apply qualify** for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 28. Section 4996.18 of the Business and Professions Code is amended to read:

4996.18. (a) **A person who wishes to be credited with experience toward licensure requirements shall register** *All applicants shall have an active registration* with the board as an associate clinical social worker **prior to obtaining that experience. The application shall be made on a form prescribed by the board. in order to gain hours of supervised experience.**

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) **Commencing January 1, 2014, have** *Have* completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) (d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) (e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(h) (f) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee. *All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.*

(i) (g) A registrant *All applicants and registrants* shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

SEC. 28.5. Section 4996.18 of the Business and Professions Code is amended to read:

4996.18. (a) *A person who wishes to be credited with experience toward licensure requirements shall register All applicants, except as provided in subdivision (b) of Section 4996.23, shall have an active registration* with the board as an associate clinical social worker *prior to obtaining that experience. The application shall be made on a form prescribed by the board. in order to gain hours of supervised experience.*

(b) An applicant for registration shall satisfy the following requirements:

- (1) Possess a master's degree from an accredited school or department of social work.
- (2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.
- (3) *Commencing January 1, 2014, have Have* completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:
 - (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
 - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
 - (C) The current legal patterns and trends in the mental health professions.
 - (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, *except as provided in subdivision (b) of Section 4996.23*, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) (d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) (e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(h) (f) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee. All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.

(i) (g) A registrant All applicants and registrants shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

SEC. 29. Section 4996.20 is added to the Business and Professions Code, to read:

4996.20. (a) "Supervisor," as used in this chapter, means an individual who meets all of the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.

(B) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry

and Neurology.

(2) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(3) Has received training in supervision as specified in this chapter and by regulation.

(4) Has not provided therapeutic services to the supervisee.

(5) Has and maintains a current and active license that is not under suspension or probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(6) Is not a spouse, domestic partner, or relative of the supervisee.

(7) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience.

"Supervision" includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.

(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

SEC. 30. Section 4996.21 is added to the Business and Professions Code, to read:

4996.21. The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

SEC. 31. Section 4996.23 of the Business and Professions Code is amended to read:

4996.23. (a) To qualify for licensure as specified in Section 4996.2, licensure, each applicant shall complete 3,200 3,000 hours of post-master's degree supervised experience related to the practice of clinical social work. Experience shall not be gained until the applicant is registered as an associate clinical social worker. The experience shall comply with the following: be as follows:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a **licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.**

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or **counseling. counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.**

(3) A maximum of **1,200 1,000** hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) (4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was **filed. received by the board.**

(6) (5) Experience shall not be credited for **No** more than 40 hours in any week. **of experience may be credited in any seven consecutive days.**

(6) For hours gained on or after January 1, 2010, no more than six hours of supervision, whether individual, triadic, or group supervision, shall be credited during any single week.

(b) An individual who submits an application for **examination eligibility licensure** between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements **of this section** that were in place on January 1, 2015.

(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(m) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(n) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(o) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(p) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

SEC. 31.5. Section 4996.23 of the Business and Professions Code is amended to read:

4996.23. (a) To qualify for licensure as specified in Section 4996.2, *licensure*, each applicant shall complete ~~3,200~~ *3,000* hours of post-master's degree supervised experience related to the practice of clinical social work. *The experience shall comply with the following: Except as provided in subdivision (b), experience shall not be gained until the applicant is registered as an associate clinical social worker.*

(b) Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:

(1) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's or doctoral degree.

(2) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed live scan fingerprinting. The applicant shall provide the board with a copy of that completed "State of California Request for Live Scan Service" form with his or her application for licensure.

(3) The board subsequently grants the associate registration.

(c) The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(d) The experience shall be as follows:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a **licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), or licensed clinical social worker.**

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or **counseling. counseling; however, at least 750 hours shall be face-to-face individual or group psychotherapy provided in the context of clinical social work services.**

(3) A maximum of **1,200 1,000** hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) (4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was **filed. received by the board.**

(6) (5) Experience shall not be credited for **No** more than 40 hours in any week. **of experience may be credited in any seven consecutive days.**

(6) For hours gained on or after January 1, 2010, no more than six hours of supervision, whether individual, triadic, or group supervision, shall be credited during any single week.

(b) (e) An individual who submits an application for **examination eligibility licensure** between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements **of this section** that were in place on January 1, 2015.

(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(m) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(n) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(o) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(p) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

SEC. 32. *Section 4996.23.1 is added to the Business and Professions Code, to read:*

4996.23.1. *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (a) of Section 4996.23, direct supervisor contact shall occur as follows:*

(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.

(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.

(f) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.

(g) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (a) of Section 4996.23, shall be at the supervisor's discretion.

SEC. 32.5. *Section 4996.23.1 is added to the Business and Professions Code, to read:*

4996.23.1. *(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:*

(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.

(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(e) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.

(f) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.

(g) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.

SEC. 33. Section 4996.23.2 is added to the Business and Professions Code, to read:

4996.23.2. *(a) An associate clinical social worker or applicant for licensure shall only perform mental health and related services as an employee or as a volunteer, not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. An associate or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4996.9, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.*

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) "Private practice," for purposes of this chapter, is defined as a setting owned by a licensed clinical social worker, a licensed marriage and family therapist, a psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(c) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.

(d) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(e) Only experience gained in the position for which the associate clinical social worker volunteers or is employed shall qualify as supervised experience.

(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) An associate clinical social worker or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(h) An associate clinical social worker or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.

(i) An associate or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(j) An associate or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(k) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her supervisees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

SEC. 34. Section 4996.23.3 is added to the Business and Professions Code, to read:

4996.23.3. *(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.*

(b) An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.

(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

(d) In a setting that is not a private practice:

(1) A written oversight agreement, as specified by regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(2) A supervisor shall evaluate the site or sites where an associate clinical social worker will be gaining experience to determine that the site or sites are in compliance with the requirements set forth in this chapter and regulations.

(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and by regulation.

SEC. 35. Section 4996.24 of the Business and Professions Code is repealed.

4996.24. *(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.*

(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.

(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

SEC. 36. Section 4999.12 of the Business and Professions Code is amended to read:

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(c) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant's graduation from the school, college, or university.

(d) "Applicant" "*Applicant for licensure*" means an unlicensed person who has completed a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern. *the required education and required hours of supervised experience for licensure.*

(e) "Licensed professional clinical counselor" or "LPCC" means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) "Intern" "*Associate*" means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) "Clinical counselor trainee" means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) "Approved supervisor" "*Supervisor*" means an individual who meets *all of* the following requirements:

(1) Has held an active license for at least two years within the five-year period immediately preceding any supervision as either:

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, or equivalent out-of-state license.

(1) (B) Has documented two years of clinical experience as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, or an out-of-state licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) Has received professional training in supervision. If the individual is a licensed professional clinical counselor seeking to supervise an associate marriage and family therapist, a marriage and family therapist trainee, or an associate professional clinical counselor or licensee seeking experience to treat couples and families pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 4999.20, he or she shall meet the additional training and education requirements in subparagraphs (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section 4999.20.

(3) For at least two years within the five-year period immediately preceding any supervision, has either practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers. Supervision of psychotherapy performed by a social work intern or a professional clinical counselor trainee shall be accepted if the supervision provided is substantially equivalent to the supervision required for registrants.

(4) Has received training in supervision as specified in this chapter and by regulation.

(3) (5) Has not provided therapeutic services to the clinical counselor trainee or intern. supervisee.

(4) (6) Has and maintains a current and valid active license that is not under suspension or probation. probation as one of the following:

(A) A marriage and family therapist, professional clinical counselor, or clinical social worker, issued by the board.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(7) Is not a spouse, domestic partner, or relative of the supervisee.

(8) Does not currently have or previously had a personal, professional, or business relationship with the supervisee that undermines the authority or effectiveness of the supervision.

(i) "Client centered advocacy" includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) "Advertising" or "advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(k) "Referral" means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(l) "Research" means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) "Supervision" **includes the means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the** following:

(1) Ensuring **that** the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the **person being supervised. supervisee.**

(2) **Reviewing client or patient records, monitoring and evaluating** *Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions of the clinical counselor trainee. and providing regular feedback.*

(3) Monitoring and evaluating the **ability of the intern or clinical counselor trainee supervisee's ability** to provide services **to the particular clientele** at the site or sites where he or she **will be practicing. is practicing and to the particular clientele being served.**

(4) *Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.*

(4) (5) Ensuring **the supervisee's** compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) *Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.*

(5) (7) **That amount of direct observation, With the client's written consent, providing direct observation** or review of audio or **videotapes of video recordings of the supervisee's** counseling or therapy, as deemed appropriate by the supervisor.

(n) "Clinical setting" means any setting that meets both of the following requirements:

(1) *Lawfully and regularly provides mental health counseling or psychotherapy.*

(2) *Provides oversight to ensure that the associate's work meets the experience and supervision requirements set forth in this chapter and in regulation and is within the scope of practice of the profession.*

(o) "Community mental health setting," means a clinical setting that meets all of the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy.

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions.

(3) Clients receive coordinated care that includes the collaboration of mental health providers.

(4) Is not a private practice.

SEC. 37. Section 4999.34 of the Business and Professions Code is repealed.

4999.34. A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling and psychotherapy.

(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

(c) Is not a private practice.

(d) Experience may be gained by the clinical counselor trainee solely as part of the position for which the clinical counselor trainee volunteers or is employed.

SEC. 38. Section 4999.36 of the Business and Professions Code is amended to read:

4999.36. (a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."

(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of *required* postdegree *internship hours. supervised experience.*

(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

SEC. 39. Section 4999.42 of the Business and Professions Code is amended to read:

4999.42. To *(a)* qualify for registration as an associate, an applicant shall have all of the following qualifications: *An applicant shall meet all of the following qualifications to qualify for registration as an associate:*

(a) (1) The applicant shall have earned Earned a master's or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32 shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

(2) Be at least 18 years of age.

(b) (3) The applicant shall not *Not* have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(c) (b) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

SEC. 40. Section 4999.44 of the Business and Professions Code is repealed.

4999.44. An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling or psychotherapy.

(b) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

(c) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.

(d) An intern shall not be employed or volunteer in a private practice until registered as an intern.

SEC. 41. Section 4999.45 of the Business and Professions Code is repealed.

4999.45. (a) An intern employed under this chapter shall:

(1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.

(2) Not be employed or volunteer in a private practice until registered as an intern.

(3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(4) Renew annually for a maximum of five years after initial registration with the board.

(b) When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

(c) This section shall become operative on January 1, 2016.

SEC. 42. Section 4999.455 of the Business and Professions Code is repealed.

4999.455. (a) A licensed professional in private practice who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(b) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation. Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

SEC. 43. Section 4999.46 of the Business and Professions Code is amended to read:

4999.46. (a) Except as provided in subdivision (b), all applicants shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(b) (1) Preregistered postdegree hours of experience shall be credited toward licensure if all of the following apply:

(A) The registration applicant applies for the associate registration and the board receives the application within 90 days of the granting of the qualifying master's degree or doctoral degree.

(B) For applicants completing graduate study on or after January 1, 2020, the experience is obtained at a workplace that, prior to the registration applicant gaining supervised experience hours, requires completed Live Scan fingerprinting. The applicant shall provide the board with a copy of that completed State of California "Request for Live Scan Service" form with his or her application for licensure.

(C) The board subsequently grants the associate registration.

(2) The applicant shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(a) (c) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience *Supervised experience that is obtained for the purposes of qualifying for licensure shall be* related to the practice of professional clinical counseling *under an approved supervisor. The experience shall* and comply with the following:

(1) A minimum of 3,000 postdegree hours *of supervised experience* performed over a period of not less than two years (104 weeks).

(2) Not more than 40 hours in any seven consecutive days.

(3) Not less than 1,750 hours of direct *clinical* counseling with individuals, groups, couples, or families *in a setting described in Section 4999.44* using a variety of psychotherapeutic techniques and recognized counseling *interventions within the scope of practice of licensed professional clinical counselors. interventions.*

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section *1820 of Title 16 of the California Code of Regulations. 4999.12.*

(5) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to professional clinical counseling that have been approved by the applicant's supervisor.

(b) (d) An individual who submits an application for *examination eligibility licensure* between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements *of this section* that were in place on January 1, 2015.

(c) (e) *No hours of clinical mental health experience may be Experience hours shall not have been* gained more than six years prior to the date the application for *examination eligibility was filed. licensure was received by the board.*

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has ¹³⁶ personal, professional, or business relationship that

undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(h) This section shall become operative on January 1, 2016.

SEC. 44. *Section 4999.46.1 is added to the Business and Professions Code, to read:*

4999.46.1. *(a) An associate or applicant for licensure shall be under the supervision of a supervisor at all times.*

(b) As used in this chapter, the term "supervision" means responsibility for, and control of, the quality of mental health and related services provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, all of the following:

(1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.

(2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.

(3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where he or she is practicing and to the particular clientele being served.

(4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or practitioner-patient relationship.

(5) Ensuring the supervisee's compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

(c) An associate shall do both of the following:

(1) Inform each client, prior to performing any professional services, that he or she is unlicensed and under supervision.

(2) Renew the registration a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked.

(d) When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration

number and has passed the California law and ethics examination. An applicant issued a subsequent associate registration number shall not be employed or volunteer in a private practice.

SEC. 45. Section 4999.46.2 is added to the Business and Professions Code, to read:

4999.46.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (5) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (5) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.

SEC. 46. Section 4999.46.3 is added to the Business and Professions Code, to read:

4999.46.3. (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A clinical counselor trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the corresponding W-2 tax forms for each year of experience claimed.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) A clinical counselor trainee shall not perform services in a private practice.

(c) A trainee shall complete the required predegree supervised practicum or field study experience in a setting that meets all of the following requirements:

(1) Is not a private practice.

(2) Lawfully and regularly provides mental health counseling or psychotherapy.

(3) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice of the profession, as defined in Section 4999.20.

(4) Only experience gained in the position for which the clinical counselor trainee volunteers or is employed shall qualify as supervised practicum or field study experience.

(d) (1) An associate may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements in this chapter and is within the scope of practice for the profession, as defined in Section 4999.20.

(2) Only experience gained in the position for which the associate volunteers or is employed shall qualify as supervised experience.

(3) An applicant for registration as an associate shall not be employed or volunteer in a private practice until he or she has been issued an associate registration by the board.

(e) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) A clinical counselor trainee, associate, or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by his or her employer, if an employee.

(g) A clinical counselor trainee, associate, or applicant for licensure shall have no proprietary interest in his or her employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(h) A clinical counselor trainee, associate, or applicant for licensure who provides voluntary services in any lawful work setting other than a private practice and who only receives reimbursement for expenses actually incurred shall be considered an employee. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(i) A clinical counselor trainee, associate, or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments were for the specified purposes.

(j) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate that counseling or psychotherapy at a reasonable cost.

SEC. 47. Section 4999.46.4 is added to the Business and Professions Code, to read:

4999.46.4. (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform mental health and related services at the places where his or her employer regularly conducts business and services.

(b) An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.

(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

(d) In a setting that is not a private practice:

(1) A written oversight agreement, as specified in regulation, shall be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(2) A supervisor shall evaluate the site or sites where an associate will be gaining experience to determine that the site or sites provide experience that is in compliance with the requirements set forth in this chapter.

(e) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements in this chapter and regulation.

SEC. 48. Section 4999.46.5 is added to the Business and Professions Code, to read:

4999.46.5. The board may audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. A supervisor shall maintain records of completion of the required supervisor qualifications for seven years after termination of supervision and shall make these records available to the board for auditing purposes upon request.

SEC. 49. Section 4999.47 of the Business and Professions Code is repealed.

4999.47. (a) Clinical counselor trainees, interns, and applicants shall perform services only as an employee or as a volunteer.

The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Associates and trainees shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(1) If employed, a clinical counselor intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure as a professional clinical counselor.

(2) If volunteering, a clinical counselor intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure as a professional clinical counselor.

(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

SEC. 50. Section 4999.50 of the Business and Professions Code is amended to read:

4999.50. (a) The board may issue a professional clinical counselor license to any person who meets all of the following requirements:

- (1) He or she has received a master's or doctoral degree described in Section 4999.32 or 4999.33, as applicable.
- (2) He or she has completed at least 3,000 hours of supervised experience in the practice of professional clinical counseling as provided in Section 4999.46. *counseling.*
- (3) He or she provides evidence of a passing score, as determined by the board, on the examinations designated in Section 4999.53.

(b) An applicant *for licensure* who has satisfied the requirements of this chapter shall be issued a license as a professional clinical counselor in the form that the board may deem appropriate. *counselor.*

(c) This section shall become operative on January 1, 2016.

SEC. 51. Section 4999.51 of the Business and Professions Code is amended to read:

4999.51. To qualify *An applicant* for licensure as a professional clinical counselor or registration as an *intern, applicants associate* shall meet the board's regulatory requirements for professional clinical counselor licensure or intern registration, as applicable, including the following: *satisfy the following qualifications:*

(a) *The applicant has not* *Not have* committed acts or crimes constituting grounds for denial of licensure under Section 480.

(b) *The board shall not issue a license or registration to any person who has* *Not have* been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(c) *The applicant has successfully passed a state and federal level criminal offender record information search conducted through the Department of Justice, as follows:*

(1) (c) *The board shall direct applicants to electronically submit to* *Have successfully passed a state and federal level criminal offender record information search conducted through* the Department of Justice *by submitting* fingerprint images and *related other* information *required by* *to* the Department of Justice for the purpose of obtaining information as to the existence and content of a record of *records of* state and federal level convictions and arrests and information as to the existence and content of a record of state or federal level arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. *arrests. The board shall request the subsequent arrest notification service on all applicants, pursuant to Section 11105.2 of the Penal Code.*

(2) *The Department of Justice shall forward the fingerprint images and related information received pursuant to paragraph (1) to the Federal Bureau of Investigation and request a federal summary for criminal history information.*

(3) *The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the board pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.*

(4) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to paragraph (1).

(5) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

SEC. 52. Section 4999.52 of the Business and Professions Code is amended to read:

4999.52. (a) Every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to *take one or more examinations, as determined by the board, to ascertain* his or her knowledge and *knowledge*, professional skills and his or her *skills, and* judgment in the utilization of appropriate techniques and *methods. methods of professional clinical counseling.*

(b) The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) The board shall not deny any applicant *admission to an examination* who has submitted a complete application for examination admission *to the licensure examinations required by this section* if the applicant meets the educational and experience requirements of this *chapter, chapter* and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(d) The board shall not deny any *applicant applicant*, whose application for licensure is *complete complete*, admission to the *examinations specified by paragraph (2) of subdivision (a) of Section 4999.53, clinical examination*, nor shall the board postpone or delay *this examination for any applicant any applicant's clinical examination* or delay informing the candidate of the results of *this the clinical* examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(i) On and after January 1, 2016, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

(j) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(k) (i) No applicant shall be eligible to participate in *If* the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination *4999.53 is not passed* within seven years from his or her initial attempt. *If the applicant fails to obtain a passing score within seven years of initial attempt, he or she of an applicant for licensure's initial attempt, the applicant* shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

(l) (j) This section shall become operative on January 1, 2016. *A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.*

SEC. 53. Section 4999.55 of the Business and Professions Code is amended to read:

4999.55. (a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall **participate in take** a board-administered California law and ethics examination prior to his or her registration renewal.

(c) **Notwithstanding subdivision (b), an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, shall, if eligible, be allowed to renew the registration without first participating in the California law and ethics examination. These applicants shall participate in the California law and ethics examination in the next renewal cycle, and shall pass the examination prior to licensure or issuance of a subsequent registration number, as specified in this section.**

(d) **(c)** If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application, except as provided in subdivision **(e). (d).**

(e) (d) If a registrant fails to obtain a passing score on the California law and ethics examination **described in subdivision (a)** within his or her renewal **period on or after the operative date of this section, period,** he or she shall complete, at minimum, a 12-hour course in California law and ethics **in order to be eligible to participate in the prior to retaking the board-administered** California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state, or governmental entity, or a college or university.

(f) (e) The board shall not issue a subsequent registration number unless the **registrant applicant** has passed the California law and ethics examination.

(g) Notwithstanding subdivision (f), an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, shall, if eligible, be allowed to obtain the subsequent registration number without first passing the California law and ethics examination. These applicants shall pass the California law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.

(h) This section shall become operative January 1, 2016.

SEC. 54. Section 4999.62 of the Business and Professions Code is amended to read:

4999.62. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016,** and who do not hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester **units** or 90 graduate quarter units of instruction.

(ii) Up to 12 semester **units** or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester **units** or 72 graduate quarter units of instruction.

(C) Six semester **units** or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1), ¹⁴⁵ subdivision (c) of Section 4999.33 may satisfy those

deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

SEC. 54.1. *Section 4999.62 of the Business and Professions Code is amended to read:*

4999.62. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who do not hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester **units** or 90 graduate quarter units of instruction.

(ii) Up to 12 semester **units** or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester **units** or 72 graduate quarter units of instruction.

(C) Six semester **units** or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four **and one-half** quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in

subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

SEC. 54.2. *Section 4999.62 of the Business and Professions Code is amended to read:*

4999.62. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who do not hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester **units** or 90 graduate quarter units of instruction.

(ii) Up to 12 semester **units** or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester **units** or 72 graduate quarter units of instruction.

(C) Six semester **units** or nine quarter units of **practicum**, *supervised practicum or field study experience*, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling

individuals, families, or groups.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

SEC. 54.3. *Section 4999.62 of the Business and Professions Code is amended to read:*

4999.62. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who do not hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester **units** or 90 graduate quarter units of instruction.

(ii) Up to 12 semester **units** or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester **units** or 72 graduate quarter units of instruction.

(C) Six semester **units** or nine quarter units of **practicum, supervised practicum or field study experience**, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four **and one-half** quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in subparagraph (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraph (2), (3), or (4) not already completed in his or her education while registered with the board as an associate.

SEC. 55. Section 4999.63 of the Business and Professions Code is amended to read:

4999.63. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester units or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in **subparagraphs subparagraph** (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider **that is acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.

SEC. 55.1. *Section 4999.63 of the Business and Professions Code is amended to read:*

4999.63. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester units or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four **and one-half** quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in **subparagraphs subparagraph** (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined described** in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined described** in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.

SEC. 55.2. *Section 4999.63 of the Business and Professions Code is amended to read:*

4999.63. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016,** and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester *units* or 90 graduate quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester *units* or 72 graduate quarter units of instruction.

(C) Six semester units or nine quarter units of **practicum, supervised practicum or field study experience,** including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the **practicum supervised practicum or field study experience** requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in **subparagraphs subparagraph** (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care,

relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.

SEC. 55.3. *Section 4999.63 of the Business and Professions Code is amended to read:*

4999.63. (a) This section applies to persons who apply for licensure or registration **on or after January 1, 2016**, and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester *units* or 90 graduate quarter units of instruction.

(ii) Up to 12 semester units or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an associate.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester *units* or 72 graduate quarter units of instruction.

(C) Six semester units or nine quarter units of *practicum, supervised practicum or field study experience*, including, but not limited to, a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the *practicum supervised practicum or field study experience* requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face supervised clinical experience, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an associate.

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) (I) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33 may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet any deficiencies shall be the equivalent of three semester units or four *and one-half* quarter units of study.

(II) Notwithstanding subclause (I), no applicant shall be deficient in the required areas of study specified in *subparagraphs subparagraph* (E) or (G) of paragraph (1) of subdivision (c) of Section 4999.33.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an associate.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an associate.

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is **acceptable to the board as defined** *described* in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an associate, unless otherwise specified.

SEC. 56. Section 4999.90 of the Business and Professions Code is amended to read:

4999.90. The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any **intern** *associate* or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a

- registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.
- (d) Gross negligence or incompetence in the performance of licensed professional clinical counseling services.
- (e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional clinical counselor.
- (l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, applicant, or registrant under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of a registered **intern, associate clinical social worker, or clinical counselor trainee associate, trainee, or applicant** by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform **professional mental health** services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a **clinical counselor trainee or intern trainee, associate, or applicant** under one's supervision or control to perform, or permitting the **clinical counselor trainee or intern trainee, associate, or applicant** to hold himself or herself out as competent to perform, **professional mental health** services beyond the **clinical counselor trainee's or intern's trainee's, associate's, or applicant's** level of education, training, or experience.

(u) The violation of any statute or regulation **of the standards of the profession, and the nature of the services being rendered**, governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(w) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(x) Failing to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(y) Repeated acts of negligence.

(z) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.

(ac) Failing to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

(ad) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

SEC. 57. Section 124260 of the Health and Safety Code is amended to read:

124260. (a) As used in this section:

(1) "Mental health treatment or counseling services" means the provision of outpatient mental health treatment or counseling by a professional person, as defined in paragraph (2).

(2) "Professional person" means any of the following:

(A) A person designated as a mental health professional in Sections 622 to 626, inclusive, of Title 9 of the California Code of Regulations.

(B) A marriage and family therapist, as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(C) A licensed educational psychologist, as defined in Chapter 13.5 (commencing with Section 4989.10) of Division 2 of the Business and Professions Code.

(D) A credentialed school psychologist, as described in Section 49424 of the Education Code.

(E) A clinical psychologist licensed under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(F) Any of the following persons, while working under the supervision of a licensed professional specified in Section 2902 of the Business and Professions Code:

(i) A registered psychologist, as defined in Section 2909.5 of the Business and Professions Code.

(ii) A registered psychological assistant, as defined in Section 2913 of the Business and Professions Code.

(iii) A psychology trainee, as defined in Section 1387 of Title 16 of the California Code of Regulations.

(G) A licensed clinical social worker, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.

(H) An associate clinical social worker, or a social work intern, as defined in Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in **paragraph (1) of subdivision (a) of Section 4996.23** **Section 4996.20** of the Business and Professions Code.

(I) A person registered as **a an associate** marriage and family therapist **intern**, or a marriage and family therapist trainee, as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.

(J) A board certified, or board eligible, psychiatrist.

(K) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(L) A person registered as **a an associate professional** clinical counselor **intern**, or a clinical counselor trainee, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code, while working under the supervision of a licensed professional specified in subdivision (h) of Section 4999.12 of the Business and Professions Code.

(b) (1) Notwithstanding any provision of law to the contrary, a minor who is 12 years of age or older may consent to mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the mental health treatment or counseling services.

(2) A marriage and family therapist trainee, a clinical counselor trainee, a psychology trainee, or a social work intern, as specified in paragraph (2) of subdivision (a), shall notify his or her supervisor or, if the supervisor is unavailable, an on-call supervisor at the site where the trainee or intern volunteers or is employed within 24 hours of treating or counseling a minor pursuant to paragraph (1). If upon the initial assessment of the minor the trainee or intern believes that the minor is a danger to self or to others, the trainee or intern shall notify the supervisor or, if the supervisor is unavailable, the on-call supervisor immediately after the treatment or counseling session.

(3) Nothing in paragraph (2) is intended to supplant, alter, expand, or remove any other reporting responsibilities required of trainees or interns under law.

(c) Notwithstanding any provision of law to the contrary, the mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian, unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate. The professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.

(d) The minor's parent or guardian is not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian participates in the mental health treatment or counseling, and then only for services rendered with the participation of the parent or guardian.

(e) This section does not authorize a minor to receive convulsive treatment or psychosurgery, as defined in subdivisions (f) and (g) of Section 5325 of the Welfare and Institutions Code, or psychotropic drugs without the consent of the minor's parent or guardian.

SEC. 58. (a) Section 1.5 of this bill incorporates amendments to Section 728 of the Business and Professions Code proposed by both this bill and Assembly Bill 2968. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 728 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2968, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 2290.5 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 2290.5 of the

Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 2 of this bill shall not become operative.

(c) Section 18.5 of this bill incorporates amendments to Section 4980.78 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4980.78 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 18 of this bill shall not become operative.

(d) Section 19.5 of this bill incorporates amendments to Section 4980.79 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4980.79 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 1491, in which case Section 19 of this bill shall not become operative.

(e) Section 22.5 of this bill incorporates amendments to Section 4984.01 of the Business and Professions Code proposed by both this bill and Assembly Bill 2117. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4984.01 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2117, in which case Section 22 of this bill shall not become operative.

(f) Section 28.5 of this bill incorporates amendments to Section 4996.18 of the Business and Professions Code proposed by both this bill and Assembly Bill 456. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.18 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 456, in which case Section 28 of this bill shall not become operative.

(g) Section 31.5 of this bill incorporates amendments to Section 4996.23 of the Business and Professions Code proposed by both this bill and Assembly Bill 456. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.23 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 456, in which case Section 31 of this bill shall not become operative.

(h) Section 32.5 of this bill adds Section 4996.23.1 to the Business and Professions Code to properly reference amendments to Section 4996.23 of the Business and Professions Code proposed by Assembly Bill 456. Section 32.5 shall only become operative if (1) both bills are enacted, without regard to the order of enactment, and become effective on or before January 1, 2019, (2) each bill amends Section 4996.23 of the Business and Professions Code, and (3) this bill adds Section 4996.23.1 to the Business and Professions Code, in which case Section 32 of this bill shall not become operative.

SEC. 59. *(a) (1) Section 27.1 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by both this bill and Assembly Bill 2117. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.17 of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2117, in which case Sections 27, 27.2, and 27.3 of this bill shall not become operative.*

(2) Section 27.2 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4996.17 of the Business and Professions Code, (3) Assembly Bill 2117 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 27, 27.1, and 27.3 of this bill shall not become operative.

(3) Section 27.3 of this bill incorporates amendments to Section 4996.17 of the Business and Professions Code proposed by this bill, Assembly Bill 2117, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4996.17 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2117 and Senate Bill 1491, in which case Sections 27, 27.1, and 27.2 of this bill shall not become operative.

(b) (1) Section 54.1 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by both this bill and Assembly Bill 2296. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.62

of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2296, in which case Sections 54, 54.2, and 54.3 of this bill shall not become operative.

(2) Section 54.2 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.62 of the Business and Professions Code, (3) Assembly Bill 2296 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 54, 54.1, and 54.3 of this bill shall not become operative.

(3) Section 54.3 of this bill incorporates amendments to Section 4999.62 of the Business and Professions Code proposed by this bill, Assembly Bill 2296, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4999.62 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2296 and Senate Bill 1491, in which case Sections 54, 54.1, and 54.2 of this bill shall not become operative.

(c) (1) Section 55.1 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by both this bill and Assembly Bill 2296. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.63 of the Business and Professions Code, and (3) Senate Bill 1491 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2296, in which case Sections 55, 55.2, and 55.3 of this bill shall not become operative.

(2) Section 55.2 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by both this bill and Senate Bill 1491. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 4999.63 of the Business and Professions Code, (3) Assembly Bill 2296 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 1491 in which case Sections 55, 55.1, and 55.3 of this bill shall not become operative.

(3) Section 55.3 of this bill incorporates amendments to Section 4999.63 of the Business and Professions Code proposed by this bill, Assembly Bill 2296, and Senate Bill 1491. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 4999.63 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2296 and Senate Bill 1491, in which case Sections 55, 55.1, and 55.2 of this bill shall not become operative.

SEC. 60. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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To: Policy and Advocacy Committee Members **Date:** August 17, 2018
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817
Subject: **LMFT Supervision Regulations**

Proposed regulatory language for the LMFT profession is provided in **Attachment A**. Please refer to the cover memo pertaining to LPCC regulatory language for a background and description of the proposed changes, as the vast majority are the same across license types.

Originally Proposed Regulations

- Strikes out language pertaining to experience qualifications in section 1833, as these are now all in statute.
- The Supervisory Plan, which is part of the newly required Supervision Agreement, would be new for LMFT (this plan is currently required for LCSW and LPCC).

New Proposed Changes to Original Regulations

There are no significant differences from the LPCC language. However, the code sections modified are different, as indicated below:

1. Clarifies what is meant by “standards of practice of the profession” (legal requirements and ethics codes) in the written agreement between the employer and supervisor (**section 1833(a)**).
2. Removes a reference to the 6-year limit on experience hours and makes it generic in the event the statute specifying this requirement were to change (**section 1833(c)(3)(E)(v)**).
3. Requires the supervisor to provide associates with procedures regarding handling crises and emergencies, prior to the commencement of supervision (timing was previously unspecified) (**section 1833.1(a)(12)**).
4. Requires additional information on the supervisor self-assessment report to help staff determine compliance with training requirements (**section 1833.1(d)(3)&(4)**).
5. Clarifies what is meant by “current best practices and current standards” (legal requirements, ethics codes and research on supervision) as it pertains to supervision training content (**section 1834(a)(1)**).
6. Clarifies that a 6-hour supervision training (refresher) course is required for a licensee who has previously served as a supervisor, but who has not supervised in the past 2 years (as opposed to “2 of the past 5 years”) (**section 1834(b)**).

7. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (**section 1834(c)**).

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend for consideration by the full Board as regulatory proposal.

Attachment: Proposed LMFT Supervision Language

ATTACHMENT A

Proposed Amendments to Title 16, California Code of Regulations

LMFT Supervision Requirements

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and red double underline.

ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS (LMFT)

§1833. EXPERIENCESUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

~~(a) In order for experience to qualify under Section 4980.40 of the Code, it must meet the following criteria:~~

~~–(1) It, it must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.~~

~~–(2) Experience shall not be credited for more than forty (40) hours in any week.~~

~~–(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.~~

~~–(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:~~

~~–(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~–(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~–(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner~~

~~shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.~~

~~(4)(a) Pursuant to section 4980.43.4 of the Business and Professions Code, in a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written oversight agreement must ~~shall~~ be executed between the supervisor and the organization-employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

(1) The written oversight agreement shall be executed prior to commencement of supervision, in which the supervisor agrees and shall be submitted to the Board upon application for licensure.

(2) The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the intern or trainee-supervisee is consistent with the intern or trainee's-supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

(3) The agreement shall contain an acknowledgment by the employer that the employer:

(1) (A) Is aware of the licensing requirements that must be met by the intern or trainee supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(2) (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee-supervisee-, and

(C) Is aware that the supervisor will be providing clinical guidance to the supervisee in order to ensure compliance with the standards of practice of the profession, which include legal requirements and professional codes of ethics, and agrees not to interfere with this process.

~~(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43 of the Code.~~

~~-(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.~~

~~-(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43 of the Code, will be credited.~~

~~(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:~~

~~(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.~~

~~(2) A trainee shall not perform services in a private practice.~~

~~(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.~~

(b) Effective January 1, ~~2020~~ 2021, supervisors shall complete and submit a self-assessment report ~~of~~ pertaining to the licensee's qualifications to be a supervisor, as specified in section 1833.1.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation shall complete a supervisory plan as required by subparagraph (3)(F), but are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

- (A) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.
- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, work settings, ~~and~~ employment, supervision practices and oversight of supervisees as specified in sections ~~4980.43.1, 4980.43.2, 4980.43.3 and 4980.43.4 and 4980.43.5~~ of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4980.43.2 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
 - (i) Requirements pertaining to registration as an associate as specified in section 4980.43 of the Code.
 - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1833.1.
 - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
 - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4980.43.3 of the Code.
 - (v) The six ~~(6)-year~~ age limit pertaining to experience hours as specified in section 4980.43 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1833.1, and in section 4980.43.1 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(e)(d) Effective January 1, 1991, ~~trainees~~ Trainees and ~~interns~~ associates shall maintain a weekly log of all hours of experience gained toward licensure. The log, ~~form #1800-37A-524~~

(REV 1/11) and form #1800-37A-524a (REV 1/11) of hours shall be signed by the supervisor on a weekly basis. An applicant-associate or trainee shall retain all the signed logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) Hours of experience gained ~~by per~~ category ~~in a given each~~ week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with sections 4980.43.3 and 4980.43.4 of the Code.
- (4) If the supervisee was an associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4980.43.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

*NOTE: Authority cited: Sections 4980.35 and 4980.60, Business and Professions Code.
Reference: Sections 4980.03, 4980.35, 4980.40(f), and 4980.42 through 4980.45-4980.43.4, Business and Professions Code.*

§1833.1. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising a trainee or an ~~intern~~-associate (hereinafter "supervisor") within California shall comply with the requirements below.

~~(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" (revised 3/10, form #1800-37A-523), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current valid and active California license that is not under suspension or probation as either a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician who is certified in psychiatry as specified in ~~Section~~ section 4980.03 (g) of the Code

and has been so licensed in California or in any other state for at least two (2) of the past five (5) years immediately prior to commencing any supervision; ~~or~~

(A) ~~Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and~~

(B) ~~Has been licensed in California as specified in Section 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.~~

(2) A supervisor who is not a licensed ~~as a~~ marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

(45) ~~The supervisor has and maintains a current license in good standing and will~~ immediately notify the trainee or ~~intern~~ associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to practice or supervise.

(56) ~~The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, associate clinical social workers, or professional clinical counselor interns~~ clinical supervision of marriage and family therapist trainees, associate marriage and family therapists, associate professional clinical counselors, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or professional clinical counselor trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the students is substantially equivalent to the supervision required for registrants.

(67) ~~The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns~~ associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1834.

(A) ~~Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

~~(78)~~ The supervisor knows and understands the ~~laws~~ statutes and regulations pertaining to both the supervision of trainees and ~~interns~~ associates and the experience required for licensure as a marriage and family therapist.

~~(89)~~ The supervisor shall ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the education, training, and experience of the trainee or ~~intern~~ associate supervisee.

~~(910)~~ The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern supervisee by review of progress notes, process notes and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent, ~~direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.~~

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the trainee or associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the trainee or associate with a copy of all assessments.

~~(40)~~(12) The supervisor shall address with the trainee or intern the manner in which emergencies will be handled. establish written procedures for trainees or associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist trainees or associates in handling crises and emergencies. The supervisor shall provide these procedures to the trainee or associate prior to the commencement of supervision.

~~(b) Each supervisor shall provide the trainee or intern with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) prior to the commencement of any counseling or supervision. Trainees and interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) from each supervisor upon application for examination eligibility.~~

~~(e)~~(b) A supervisor shall give at least one (1) week's prior written notice to a trainee or intern associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(d)~~(c) The supervisor shall obtain from each trainee or intern associate for whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's associate's most recent supervisor and employer.

~~(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a~~

~~trainee or intern will be gaining hours of experience toward licensure and shall determine that:~~
~~(1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.~~

(d) Effective January 1, ~~2020~~ 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section ~~1833.1 and section~~ 4980.03 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee ~~initially~~ began supervising, ~~and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.~~
- (4) The ~~date the~~ supervisor's ~~compliance with completed~~ the training required by section 1834, ~~and the length of the course(s) taken.~~
- (5) The supervisor states that he or she understands all of the following:
 - (A) The supervisor's license must meet the supervisor ~~requirements~~ ~~qualifications set forth~~ in section ~~1833.1 and section~~ 4980.03 of the Code, for a supervisee's experience hours to be credited ~~toward licensure.~~
 - (B) The supervisee notification requirement set forth in paragraph (a)(5) of this section.
 - (C) The requirements set forth in section 4980.43.4 of the Code pertaining to the maximum number of registrants.
 - (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4980.43.5 of the Code.
 - (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1833.

(e) ~~New supervisors Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020~~ 2021, shall submit a self-assessment report to the Board by December 31, ~~2020~~ 2021.

~~(f)(g)~~ Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).~~

NOTE: Authority cited: Sections 4980.35, 4980.40, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, and 4980.42-4980.45-4980.43.1, 4980.43.3 and 4980.43.5, ~~4980.48, 4980.54, 4996.22 and 4999.76~~, Business and Professions Code.

§1833.1.5 SUBSTITUTE SUPERVISORS

- (a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.
- (b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1833, and the substitute supervisor shall sign the weekly log required by section 1833.
- (c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:
 - 1) A new supervisory plan ~~as specified in section 1833(c)(3)(F)~~ is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
 - 2) The experience gained during that 30-day period may be verified ~~as specified in section 1833(e)~~ by the regular supervisor.
- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1833.~~

NOTE: Authority cited: Sections 4990.20 and 4980.35, Business and Professions Code. Reference: Sections 4980.03, 4980.43 and 4980.43.4, Business and Professions Code.

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California ~~on or after January 1, 1994~~ must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license or certification which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry ~~as specified in Section 4980.40(f) of the code by the American Board of Psychiatry and Neurology,~~ professional clinical counselor, ~~or a~~ marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license or certification that allows the practitioner to independently provide clinical mental health services.

In a state or jurisdiction which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, ~~4980.40(f)~~ and 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.72, and 4980.74, ~~4980.40(f),~~

§1834. SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, ~~2019~~ 2020, supervisors licensees who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation Article 8. If taken from an acceptable continuing education provider ~~specified as acceptable by the Board in regulation~~, the training may apply towards the approved continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.
- 1) The ~~training~~ content ~~of such training~~ shall include, but not be limited to, current best practices and current industry standards, which include legal requirements, professional codes of ethics, and research focused on supervision, regarding the following:
- (A) Competencies necessary for new supervisors;
 - (B) Goal setting and evaluation;
 - (C) The supervisor-supervisee relationship;
 - (D) California law and ethics, including legal and ethical issues related to supervision;
 - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
 - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
 - (G) Supervision theories and literature; and
 - (H) Documentation and record keeping of the supervisee's client files, as well as documentation of supervision.
- 2) If taken from a government agency or from an acceptable continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.
- 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) ~~A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past~~

two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in~~ during each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented records of completion shall be maintained as specified in section 4980.43.5 of the Code:

- 1) Training or coursework directly covering specific to the topic of supervision, obtained from a government agency or from an acceptable continuing education provider specified as acceptable by the board in regulation. If taken from an acceptable continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as specified described in subparagraph (1).
- 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~It~~ This shall not include personal opinion papers, editorials, or blogs.
- 4) Collaboration with another board licensee who also qualifies serves as a board-qualified supervisor through the use of mentoring or consultation.
- 5) Attendance at supervisor peer discussion groups with other board licensees who also qualify serve as board-qualified supervisors.

(d) (1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3)The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate or

trainee due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4980.35 and 4990.20, Business and Professions Code.
Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

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To: Policy and Advocacy Committee Members **Date:** August 17, 2018
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817
Subject: **LCSW Supervision Regulations**

Proposed regulatory language for the LCSW profession is provided in **Attachment A**. Please refer to the cover memo pertaining to LPCC regulatory language for a background and description of the proposed changes, as the vast majority are the same across license types.

Originally Proposed Regulations

The significant differences for LCSW are as follows:

- Modifies and expands upon the terms of the terms of the written agreement required between the employer and supervisor when the supervisor is not employed by the associate's employer.
- Requires a weekly log of hours earned to be signed by the supervisor (current requirement for LMFT and LPCC).
- Requires 6 hours of continuing professional development for supervisors every two years (6 hours of continuing education currently required for LMFT and LPCC).

New Proposed Changes to Original Regulations

There are no significant differences from the LPCC language. However, the code sections modified are different, as indicated below:

1. Clarifies what is meant by "standards of practice of the profession" (legal requirements and ethics codes) in the written agreement between the employer and supervisor (**section 1869(a)**).
2. Removes a reference to the 6-year limit on experience hours and makes it generic in the event the statute specifying this requirement were to change (**section 1869(c)(3)(E)(v)**).
3. Requires the supervisor to provide associates with procedures regarding handling crises and emergencies, prior to the commencement of supervision (timing was previously unspecified) (**section 1870(d)**).
4. Requires additional information on the supervisor self-assessment report to help staff determine compliance with training requirements (**section 1870(g)(3)&(4)**).

5. Clarifies what is meant by “current best practices and current standards” (legal requirements, ethics codes and research on supervision) as it pertains to supervision training content (**section 1871(a)(1)**).
6. Clarifies that a 6-hour supervision training (refresher) course is required for a licensee who has previously served as a supervisor, but who has not supervised in the past 2 years (as opposed to “2 of the past 5 years”) (**section 1871(b)**).
7. Requires continuing professional development activities involving collaboration, mentoring, and peer discussion groups to take place with other licensees who are currently serving as a Board-qualified supervisor (**section 1871(c)**).

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and recommend for consideration by the full Board as regulatory proposal.

Attachment: Proposed LCSW Supervision Language

ATTACHMENT A

Proposed Amendments to Title 16, California Code of Regulations *LCSW Supervision Requirements*

The originally proposed regulations are in black ~~strikeout~~ and underline text, while the newly proposed changes are shown in ~~red strikeout~~ and ~~red double underline~~.

ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS (LCSW)

§1869. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

(a) Pursuant to section 4996.23.3 of the Business and Professions Code, in a setting which is not a private practice, a written oversight agreement shall be executed between the supervisor and the employer when the supervisor is not employed by the -supervisee's employer or is a volunteer.

- 1) The written ~~oversight~~ agreement shall be executed prior to the commencement of supervision ~~and shall be submitted to the Board upon application for licensure.~~
- 2) The agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.
- 3) The agreement shall contain an acknowledgment by the employer that the employer:
 - (A) Is aware of the licensing requirements that must be met by the supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;
 - (B) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and
 - (C) Is aware that the supervisor will be providing clinical guidance to the supervisee in order to ensure compliance with the standards of practice of the profession, ~~which include legal requirements and professional codes of ethics,~~ and agrees not to interfere with this process.

(b) Effective January 1, ~~2020~~ 2021, supervisors shall complete and submit a self-assessment report ~~of pertaining to the licensee's~~ qualifications to be a supervisor, as specified in section 1870.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed supervisor responsibility statement with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

- (A) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.
- (B) The supervisor states that he or she understands the requirements pertaining to registration of the supervisee, work settings, ~~and~~ employment, supervision practices and oversight of supervisees as specified in sections 4996.18, 4996.23.2 and 4996.23.3 of the Code.
- (C) The supervisor states that he or she understands the requirements pertaining to direct supervisor contact as specified in section 4996.23.1 of the Code.
- (D) The supervisor states that he or she understands the supervision documentation required by this section and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.
- (E) The supervisee states that he or she understands all of the following:
 - (i) Requirements pertaining to registration as an associate as specified in section 4996.18 of the Code.
 - (ii) The supervisee's supervisor must hold a current and active California license ~~that is not under suspension or probation~~ while supervising in order for hours to count toward licensure as specified in section 1870.
 - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
 - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4996.23.2 of the Code.
 - (v) The ~~six (6)-year~~ age limit pertaining to experience hours as specified in section 4996.23 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1870, and in section 4996.20 of the Code. This plan shall be developed collaboratively by the supervisor and supervisee.

(d) Associates shall maintain a log of all hours of experience gained toward licensure. The log shall be signed by the supervisor on a weekly basis. An associate shall retain all logs until such time as the associate is licensed by the board. The board shall have the right to require an associate to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting

- (2) Hours of experience gained ~~by per~~ category ~~in a given each~~ week.
- (3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Whether the supervisee's work setting complies with section 4996.23.2 of the Code
- (4) Documentation of employment or volunteer status, as specified in section 4996.23.2 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.20, 4996.23, 4996.23.1 and 4996.23.2, Business and Professions Code.

§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

(a) Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

~~(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522) hereby incorporated by reference, which requires that:~~

(1) The supervisor possesses and ~~will~~ maintains a current ~~valid~~ and active California license that is not under suspension or probation as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 1874~~ section 4996.20 of the Code, and has been so licensed in California or in any other state for a total of at least two (2) of the past five (5) years immediately prior to commencing any supervision.

~~(2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.~~

(2) A supervisor who is not ~~a~~ licensed ~~as a~~ clinical social worker shall have sufficient experience, training and education in clinical social work to competently practice clinical social work in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep himself or herself informed of developments in clinical social work and in California law governing the practice of clinical social work.

(4) The supervisor shall self-monitor for and address supervision dynamics such as, but not limited to, countertransference, intrapsychic, interpersonal, or trauma related issues that may affect supervision.

~~(35)~~ The supervisor ~~has and will maintain a current license in good standing and will~~ immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to practice or supervise.

~~(46)~~ The supervisor has practiced psychotherapy or provided direct clinical supervision of associates clinical social workers, or associate marriage and family therapists, interns or marriage and family therapist trainees, or associate professional clinical counselors who perform psychotherapy, for at least two (2) years within the ~~last~~ five (5) years period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or professional clinical counselor trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

~~(57)~~ The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in section 1871.

~~(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:~~

~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~

~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~

~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(68) The supervisor knows and understands the laws statutes and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.~~

~~(79) The supervisor shall do all of the following:~~

~~(A) Ensure ensure that the extent, kind and quality of clinical social work performed by the associate supervisee is consistent with the education, training and experience of the person being supervised supervisee.~~

~~(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.~~

~~(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.~~

~~(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.~~

~~(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).~~

~~(b) The supervisor shall monitor and evaluate the supervisee's extent, kind, and quality of counseling performed by the supervisee by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor and with the client's written consent.~~

~~(c) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate clinical social worker at least once a year and at the completion or termination of supervision. The supervisor shall provide the associate clinical social worker with a copy of all assessments.~~

(d) The supervisor shall establish written procedures for associate clinical social workers to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associate clinical social workers in handling crises and emergencies. The supervisor shall provide these procedures to the associate clinical social worker ~~prior to the commencement of supervision.~~

(a40e) A supervisor shall give at least one (1) week's written notice to an associate clinical social worker of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(a11) ~~The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.~~

(f) The supervisor shall obtain from each associate clinical social worker or applicant for licensure for whom supervision will be provided, the name, address, and telephone number of the associate clinical social worker's or applicant for licensure's most recent supervisor and employer.

(g) Effective January 1, ~~2020~~ 2021, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) The ~~supervisor's licensee's~~ qualifications to be a supervisor as specified in section ~~1870 and section~~ 4996.20 of the Code.

(2) The supervisor's telephone number and email address.

(3) The date the licensee ~~initially~~ began supervising, ~~and for licensees who have previously served as a board-qualified supervisor but have not supervised for the past two (2) years, the date the licensee resumed supervising.~~

(4) The ~~date the supervisor's compliance with completed~~ the training required by section 1871, ~~and the length of the course(s) taken.~~

(5) The supervisor states that he or she understands all of the following.

(A) The supervisor's license must meet the supervisor ~~requirements qualifications~~ in section ~~1870 and section~~ 4996.20 of the Code, for a supervisee's experience hours to be credited ~~toward licensure.~~

(B) ~~The supervisee notification requirement set forth in paragraph (a)(5) of this section.~~

(C) ~~The requirements set forth in section 4996.23.3 of the Code pertaining to the maximum number of registrants.~~

(D) ~~The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4996.21 of the Code.~~

(E) ~~The requirement to complete a supervision agreement for each supervisee as~~

specified in section 1869.

(h) ~~New supervisors Licensees who have not previously served as a supervisor, or who have previously served as a board-qualified supervisor but are not actively supervising,~~ shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(i) ~~Individuals Licensees~~ acting as a supervisor prior to January 1, ~~2020~~ 2021, shall submit a self-assessment report to the Board by December 31, ~~2020~~ 2021.

~~(a42i)~~ Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

Note: Authority cited: Section ~~4980.60 and 4990.20~~, Business and Professions Code.

Reference: Sections ~~4980.54, 4996.22 and 4996.20~~, 4996.23, 4996.23.1, 4996.23.2 and 4996.23.3, Business and Professions Code.

§1870.1. SUPERVISORY PLAN ~~SUBSTITUTE SUPERVISORS~~

~~(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800-37A-521, revised 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1869, and the substitute supervisor shall sign the weekly log specified in section 1869.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

1) A new supervisory plan ~~as specified in section 1869(c)(3)(F)~~ is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

2) The experience gained during that 30-day period may be verified ~~as specified in section 1869(e)~~ by the regular supervisor.

- (d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time ~~as required by section 1869.~~

NOTE: Authority cited: Sections 4990.20, Business and Professions Code. Reference: Sections 4996.18-4996.20, 4996.23 and 4996.23.3, Business and Professions Code.

§1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license ~~or certification~~ which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license ~~or certification~~ that allows the practitioner to independently provide clinical mental health services.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.17 and 4996.20, Business and Professions Code.

§1871 SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

(a) Beginning January 1, ~~2019~~ 2020, ~~supervisors licensees~~ who commence supervision for the first time in California shall obtain fifteen (15) ~~contact~~ hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the board in ~~regulation Article 8~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, ~~the~~ training may apply towards the ~~approved~~ continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code.

(1) The ~~training~~ content ~~of such training~~ shall include, but not be limited to, current best practices and current ~~industry~~ standards, ~~which include legal requirements, professional codes of ethics, and research focused on supervision~~, regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;

- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
- (F) Contextual variables, such as treatment modality, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as ~~documentation of~~ supervision.

(2) If taken from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, this course shall have been taken within two (2) years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within four (4) years prior to commencing supervision, or completed within 60 days after commencing supervision.

~~(b) A six (6)-hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least two (2) years within the five (5)-year period immediately preceding any supervision. A licensee who previously served as a board-qualified supervisor, but has not supervised for the past two (2) years shall take a six (6)-hour supervision training course within 60 days of resuming supervision.~~

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision ~~in during~~ each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and ~~shall be documented records of completion shall be maintained as specified in section 4996.21 of the Code:~~

- 1) Training or coursework ~~directly covering specific to~~ the topic of supervision, obtained from a government agency or from an ~~an acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~. If taken from an ~~acceptable~~ continuing education provider ~~specified as acceptable by the board in regulation~~, it may apply towards the continuing education requirements set forth in sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as ~~specified described~~ in subparagraph (1).
- 3) Authoring research directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, or other industry or academic published work deemed equivalent by the board. ~~# This~~ shall not include personal opinion papers, editorials, or blogs.
- 4) Collaboration with another ~~board~~ licensee who also ~~qualifies serves~~ as a ~~board-qualified~~ supervisor through ~~the~~ use of mentoring or consultation.
- 5) Attendance at supervisor peer discussion groups with other board licensees who also

qualify serve as board-qualified supervisors.

(d)(1) In lieu of subsections (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) ~~These licensees~~ Licensees who hold one of the above certifications shall maintain a current and active California license, but are not required to have been actively licensed for at least two (2) of the past five (5) years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two (2) of the past five (5) years immediately preceding any supervision.

(3) The board ~~may, in its sole discretion, shall~~ accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

~~For purposes of Section 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.~~



Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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www.bbs.ca.gov

To: Committee Members

Date: August 17, 2018

From: Christina Kitamura
Administrative Analyst

Telephone: (916) 574-7830

Subject: Agenda Items XII and XIII

Item XII (Status on Board-Sponsored Legislation) and Item XIII (Status of Board-Supported and Monitored Legislation) will be provided at the Policy and Advocacy Committee Meeting.

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To: Policy and Advocacy Committee Members **Date:** August 16, 2018
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817
Subject: Status of Board Rulemaking Proposals

Enforcement Process

This proposal would result in updates to the Board's disciplinary process. It would also make updates to the Board's "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015)," which are incorporated by reference into the Board's regulations. The proposed changes fall into three general categories:

1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017, and began the DCA initial review process in July 2017. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

Contact Information; Application Requirements; Incapacitated Supervisors

This proposal would:

- Require all registrants and licensees to provide and maintain a current, confidential telephone number and email address with the Board.
- Codify the Board's current practice of requiring applicants for registration or licensure to provide the Board with a public mailing address, and ask applicants for a confidential telephone number and email address.
- Codify the Board's current practice of requiring applicants to provide documentation that demonstrates compliance with legal mandates, such as official transcripts; to submit a current photograph; and for examination candidates to sign a security agreement.
- Require certain applications and forms to be signed under penalty of perjury.
- Provide standard procedures for cases where a registrant's supervisor dies or is incapacitated before the completed hours of experience have been signed off.

The proposal was approved by the Board at its meeting in March 2017, and began the DCA initial review process in August 2017. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee

This proposal would amend the Board's examination rescoring provisions to clarify that rescoring pertains only to exams taken via paper and pencil, since all other taken electronically are automatically rescored. This proposal would also make clarifying, non-substantive changes to the Board's application abandonment criteria, and clarify the fee required for subsequent Associate Professional Clinical Counselor registrations. The proposal was approved by the Board at its meeting in November 2017, and began the DCA initial review process in April 2018. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

BBS REGULATION TIME LINE

AUGUST 16, 2018

Regulation Package Name	Date of Board Approval	Date Submitted to DCA - Initial Review	Date Submitted to Agency- Initial Review	Date Noticed	Public Hearing Date	Date Submitted to DCA - Final Review	Date Submitted to Agency – Final Review	Date Submitted to DOF	Date Submitted to OAL - Approval	Date OAL Approved
Enforcement Update to Disciplinary Guidelines	3/3/17	7/11/17								
Contact Information; Application Requirements; Incapacitated Supervisors	3/3/17	8/22/17								
Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee	11/2/17	4/6/18								
Application Processing Times and Registrant Advertising*	11/4/16	12/28/16	Agency completed review 6/6/17	7/7/17	8/22/17	9/13/17	1/22/18	2/8/18	2/8/18	3/14/18

*Statute to change “Intern” to “Associate” became effective January 1, 2018

DCA and Agency Initial Review Process: Following review by the Board’s attorney and preparation of the required documentation (Notice, Initial Statement of Reasons, and the Fiscal Impact Std. 399), the package is submitted to DCA’s legislative and policy review division, who routes it through the budget office and legal office for their review and approval. Next, the package is submitted to DCA Executive Office for review/approval. The package is then submitted to Agency for an initial review. Once approved by Agency, the Board is able to submit the package to the Office of Administrative Law to Notice the proposed regulation change.

Notice and Public Hearing: The Notice initiates the 45-day public comment period. Following the 45-day comment period, a public hearing is scheduled. The Board must consider all comments submitted. If any substantive changes are made to the text of the proposal, the Board must approve the language again, and provide the public with a 15-day public comment period. If no changes are made to the proposal, the Board submits the package to DCA for final review.

DCA and Agency Final Review: The initial review process is repeated.

Submission to DOF and OAL for Final Approval: Both the Department of Finance and the Office of Administrative Law must approve the regulation package. The review may occur at the same time. However, OAL is the final approval. Once OAL approves the regulation package, the proposal is adopted and it is assigned an effective date.