



Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Committee Members

Date: June 14, 2023

From: Rosanne Helms
Legislative Manager

Subject: **Required Display of License or Registration**

All licensees and registrants of the Board of Behavioral Sciences (Board) receive a paper copy of their license or registration from the Board. This copy contains the person's name, license number, type of license, and expiration date. The law requires that they display this license in a conspicuous place in their primary place of practice. (Business and Professions Code (BPC) §§4980.31, 4989.48, 4996.7, 4999.70) This law was likely written this way to ensure a client could see that their therapist actually had a license or registration when in their office for an appointment.

BPC §§ 4980.31, 4989.48, 4996.7, 4999.70

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

The increased use of telehealth raises the question of whether this law needs updating. Some therapist's primary place of practice may be virtual, making it difficult or impossible for the physical paper copy of the license or registration to be on display.

Current law does not necessarily require all licensees and registrants to provide a license or registration number when they begin services with a client (MFT associates are an exception to this and are required to provide their number plus some other additional information, per BPC §4980.44). However, all licensees and registrants are required to provide their license or registration number and type of license or registration when they initiate telehealth services with a client. (California Code of Regulation (CCR) Title 16, §1815.5(c)) Additionally, all licensees and registrants are required to include their license or registration number in advertisements. (16 CCR §1811(a)(3))

Previous Telehealth Committee Discussion

The Telehealth Committee previously discussed this issue at its December 2022 and March 2023 meetings. At that time, the Committee directed staff to draft language updating the license or registration display language to provide other options for providing the client with the license or registration number, type, and expiration date

each time services are provided, if physical display of the license or registration certificate is not possible due to services being provided via telehealth. This language is shown in **Attachment A**.

Additional Amendment: Delete BPC §4996.8

LCSW statute contains an additional requirement that the current renewal receipt also be displayed near the license. The Board's other three practice acts do not have this requirement. It is not necessary, because the license certificate already indicates the date through which it is valid. Upon renewal, a new copy is sent to the licensee with an updated expiration date. Therefore, staff recommends that BPC §4996.8 be deleted.

A Note About Future Regulation Cleanup: §1815.5 (Standards of Practice for Telehealth)

The Committee should note that if it approves the proposed statutory amendments in **Attachment A**, the statute change will automatically override a portion of the telehealth regulations (16 CCR §1815.5(c)(3)). That portion of the regulations only requires that the license or registration number be provided upon initiation of telehealth services (versus the requirement in the proposed amendments being discussed today to provide it each time services are provided). Therefore, cleanup to §1815.5 of the regulations will be needed if a statute change moves forward and is successful. The Board is already planning to consider future amendments to 16 CCR §1815.5 in a future meeting of the Telehealth Committee.

Recommended Next Steps: Discussion of BPC §4980.44, 4980.48 and Advertising Regulations (16 CCR §1811)

Staff recommends that the Board consider the language in **Attachment A** as proposed legislation for the coming (2024) year.

However, staff also suggests that this discussion be continued, because it ties in with a larger discussion regarding what information must be provided to a client when providing mental health services, and also what information must be provided to clients via advertising.

For example, BPC §§ 4980.44 and 4980.48 are in LMFT statute, and require AMFTs and MFT trainees to provide certain information to their clients about their unlicensed status and their supervision status. These sections also require that MFT associates and trainees include certain information in their advertisements.

However, the requirements in these two sections apply to LMFT pre-licensees only, and are more detailed than the requirements that exist for LCSW and LPCC pre-licensees. Staff believes that these requirements should be consistent across the Board's license types.

Additionally, the advertising requirements for pre-licensees in statute are at times inconsistent or duplicative of what is in regulations. To ensure clarity, staff recommends that the advertising requirements should be contained solely in the advertising regulations to the greatest extent possible.

Proposed Motion: Direct staff to make any discussed changes and any non-substantive changes to the language in **Attachment A**, and bring to the Board for consideration as a legislative proposal. Additionally, direct staff to continue to examine client disclosure requirements in BPC §§4980.44, 4980.48, and the advertising regulations (16 CCR §1811), and bring this issue to the next Policy and Advocacy Committee meeting for further discussion.

Attachments

Attachment A: Proposed Amendments

Attachment B: Relevant Law: BPC §§4980.31, 4980.44, 4989.48, 4996.7, 4996.8, 4999.70, 16 CCR §§1811, 1815.5

ATTACHMENT A Proposed Amendments

AMEND Business and Professions Code (BPC) §4980.31 (LMFT)

~~A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.~~

A licensee or registrant shall provide a client with their license or registration number, the type of license or registration, and the license or registration number's expiration date each time services are provided, using one of the following methods:

- a) Display of the current license or registration certificate in a conspicuous place where the client is being seen.
- b) Providing the client with the required information verbally.
- c) Providing the client with the required information via written text.

AMEND Business and Professions Code (BPC) §4989.48 (LEP)

~~A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.~~

A licensee shall provide a client with their license number, the type of license, and the license number's expiration date each time services are provided, using one of the following methods:

- a) Display of the current license certificate in a conspicuous place where the client is being seen.
- b) Providing the client with the required information verbally.
- c) Providing the client with the required information via written text.

AMEND Business and Professions Code (BPC) §4996.7 (LCSW)

~~A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.~~

A licensee or registrant shall provide a client with their license or registration number, the type of license or registration, and the license or registration number's expiration date each time services are provided, using one of the following methods:

- d) Display of the current license or registration certificate in a conspicuous place where the client is being seen.
- e) Providing the client with the required information verbally.
- f) Providing the client with the required information via written text.

AMEND Business and Professions Code (BPC) §4999.70 (LPCC)

~~A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.~~

A licensee or registrant shall provide a client with their license or registration number, the type of license or registration, and the license or registration number's expiration date each time services are provided, using one of the following methods:

- a) Display of the current license or registration certificate in a conspicuous place where the client is being seen.
- b) Providing the client with the required information verbally.
- c) Providing the client with the required information via written text.

ADDITIONAL AMENDMENT: DELETE BPC §4996.8 (LCSW Statute)

~~DELETE BPC § 4996.8. (LCSW)~~

~~The current renewal receipt shall be displayed near the license.~~

Attachment B
Relevant Law for Reference

Business and Professions Code (BPC) §4980.31 (LMFT)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

BPC §4980.44 (LMFT)

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

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

(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 the person is a registered associate marriage and family therapist.

(B) The associate's registration number.

(C) The name of the person's employer.

(D) That the person 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.

BPC §4989.48 (LEP)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

BPC §4996.7 (LCSW)

A licensee shall display his or her license in a conspicuous place in the licensee's primary place of practice.

BPC § 4996.8. (LCSW)

The current renewal receipt shall be displayed near the license.

BPC §4999.70 (LPCC)

A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

California Code of Regulation Title 16 (16 CCR) §1811 (All Board License/Registration Types)

§ 1811. Advertising.

(a) All persons or referral services regulated by the board who advertise their services shall include all of the following information in any advertisement.

(1) The full name of the licensee, registrant, or registered referral service as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title "registered associate marriage and family therapist" appears in the advertisement.

(E) Registered Associate Clinical Social Worker or Registered Associate CSW. The abbreviation "ASW" shall not be used in an advertisement

unless the title “registered associate clinical social worker” appears in the advertisement.

(F) Registered MFT Referral Service.

(G) Licensed Professional Clinical Counselor or LPCC.

(H) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation “APCC” shall not be used in an advertisement unless the title “registered associate professional clinical counselor” appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(c) Licensees may use the words “psychotherapy” or “psychotherapist” in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, “acceptable abbreviation” means the abbreviation listed in subsection (a)(2) of this Section.

California Code of Regulation Title 16 (16 CCR) §1815.5 (All Board License/Registration Types)

§1815.5 Standards of Practice for Telehealth.

(a) All persons engaging in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, as defined in Section 2290.5 of the Code, with a client who is physically located in this State must have a valid and current license or registration issued by the Board.

(b) All psychotherapy services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do.

Therefore, all psychotherapy services offered via telehealth are subject to the board's statutes and regulations.

(c) Upon initiation of telehealth services, a licensee or registrant shall do the following:

(1) Obtain informed consent from the client consistent with Section 2290.5 of the Code.

(2) Inform the client of the potential risks and limitations of receiving treatment via telehealth.

(3) Provide the client with his or her license or registration number and the type of license or registration.

(4) Document reasonable efforts made to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area.

(d) Each time a licensee or registrant provides services via telehealth, he or she shall do the following:

(1) Verbally obtain from the client and document the client's full name and address of present location, at the beginning of each telehealth session.

(2) Assess whether the client is appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.

(3) Utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium.

(e) A licensee or registrant of this state may provide telehealth services to clients located in another jurisdiction only if the California licensee or registrant meets the requirements to lawfully provide services in that jurisdiction, and delivery of services via telehealth is allowed by that jurisdiction.

(f) Failure to comply with these provisions shall be considered unprofessional conduct.