

AMENDED

POLICY AND ADVOCACY COMMITTEE MEETING NOTICE

October 20, 2017
8:30 a.m.

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

- I. Call to Order and Establishment of Quorum
- II. Introductions*
- III. Discussion and Possible Action Regarding Business and Professions Code Section 4980.43(h) (granting of qualifying master's degree program or doctoral degree) and 4999.96 (d) (granting of qualifying degree), 90-Day Rule
- IV. Discussion and Possible Action Regarding Proposed Amendments to Assembly Bill 93 (Medina) – Healing Arts: Marriage and Family Therapists, Clinical Social Workers, Professional Clinical Counselors: Required Experience and Supervision
- V. Discussion and Possible Action Regarding Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 27, 337, 728, 865, 2290.5, 4999.30, 4999.14, 4999.22, 4999.48, 4999.100, 4980.78, 4980.79, 4999.62, 4999.63, 4992, 4996.17, 4999.60, 4980.37, 4980.39, 4980.41, 4999.32, and Family Code Section 6924
- VI. Discussion and Possible Action Regarding Education Requirements to Obtain a Subsequent Registration Number, Business and Professions Code Sections 4984.01, 4996.28, 4999.45, and 4999.100
- VII. Discussion and Possible Action Regarding Renewal of an Expired Registration Business and Professions Code Sections 4984.01, 4996.28, and 4999.100
- VIII. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Add California Code of Regulations, Title 16, Section 1805.06 – Rescoring of Examinations Taken Via Paper and Pencil; and to Delete Section 1816.3 – Examination Rescoring Fees



Governor
Edmund G. Brown Jr.
State of California

Business, Consumer Services
and Housing Agency

Department of
Consumer Affairs

- IX. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1806 – Abandonment of Application
- X. Discussion and Possible Recommendation Regarding Proposed Rulemaking to Amend California Code of Regulations, Title 16, Section 1856 – Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist
- XI. Discussion and Possible Recommendation on Proposed Rulemaking to Amend Title 16, CCR Section 1816.1 - Add Fee for Subsequent Professional Clinical Counselor Intern Registrations
- XII. Status on Board-Sponsored Legislation, Board-Supported Legislation, and Board-Monitored Legislation
 - a. Assembly Bill 93 (Medina) - Healing Arts: Marriage and Family Therapists, Clinical Social Workers, Professional Clinical Counselors: Required Experience and Supervision
 - b. Senate Bill 800 - Proposed Technical and Non-Substantive Amendments to Business and Professions Code Sections 801, 801.1, 802, 4980.09, 4999.12.5, 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62, 4999.63, 4999.120, 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33, 4999.60, 4999.61, 4984.9, 4992.8, 4989.46, 4999.18, 4980.72, 4996.17, 4999.53; Evidence Code Section 1010(f)(o); and Penal Code Section 11165.7(a)(25) and (a)(40)
 - c. Assembly Bill 191 (Wood) - Mental Health: Involuntary Treatment
 - d. Assembly Bill 456 (Thurman) – Healing Arts: Associate Clinical Social Workers
 - e. Assembly Bill 508 (Santiago) – Health Care Practitioners: Student Loans
 - f. Assembly Bill 1116 (Grayson) – Peer Support and Crisis Referral Services Act
 - g. Assembly Bill 1188 (Nazarian) – Health Professions Development: Loan Repayment
 - h. Assembly Bill 1372 (Levine) – Health Professions Development: Loan Repayment
 - i. Assembly Bill 1591 (Berman) – Medi-Cal: Federally Qualified Health Centers and Rural Health Center: Licensed Professional Clinical Counselors
 - j. Senate Bill 27 (Morrell) – Professions and Vocations: Licensees: Military Service
 - k. Senate Bill 355 (Lara) – Privacy: Agencies: Personal Information
 - l. Senate Bill 374 (Newman) – Health Insurance: Discriminatory Practices: Mental Health
 - m. Assembly Bill 89 (Levine) – Psychologists: Suicide Prevention Training
 - n. Assembly Bill 700 (Jones-Sawyer) – Public Health: Alcoholism or Drug Abuse Recovery: Substance Use Disorder Counseling
 - o. Assembly Bill 767 (Quirk-Silva) – Master Business License Act
 - p. Senate Bill 715 (Newman) – Department of Consumer Affairs: Regulatory Boards: Removal of Board Members
 - q. Senate Bill 762 (Hernandez) – Healing Arts License: License Activation Fee Waiver

XIII. Status of Board Rulemaking Proposals

- a. Enforcement: 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. Application Processing Times and Registrant Advertising: Amend Title 16. California Code of Regulations, Sections 1805.1 and 1811
- c. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16. California Code of Regulations, Sections 1804, 1805 and 1820.7; Add Section 1815.8

XIV. Suggestions for Future Agenda Items

XV. Public Comment for Items not on the Agenda

XVI. 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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To: Committee Members

Date: October 3, 2017

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Discussion of the 90-Day Rule

Under current law, an applicant for registration as an associate marriage and family therapy (AMFT) or associate professional clinical counselor (APCC) may count supervised experience hours gained in between his or her degree award date and the date the Board issues the intern registration, if he or she applies for registration within 90 days of the date the qualifying degree was granted (Business and Professions Code (BPC) §§ 4980.43(g), 4999.46(d)). This allowance in the law is commonly referred to as “the 90-day rule.”

There is no 90-day rule for applicants for associate social worker (ASW) registration. They may not gain supervised experience hours until registered as an ASW (BPC § 4996.23(f)). However, AB 456 (Thurmond), proposed this year but now a 2-year bill, would have granted the 90-day rule to ASW applicants. When discussing AB 456 at its May 2017 meeting, the Board noted it had some concerns about the 90-day rule, but supported the concept of parity for applicants across its license types.

Background

The 90-day rule has been included in LMFT licensing law for many years. Research by Board staff indicates that this law has been in effect since at least 1984. When the LPCC licensure act was created, it was modeled after LMFT law and included the 90-day rule.

Historically, the purpose of the rule has been to assist recent graduates in obtaining some of their supervised experience hours during the time they are waiting for their registration number. Currently, the Board strives to keep its registration processing times to under 30 days. However, in the past due to high seasonal application volumes, budget constraints, or furloughs, processing times were higher. In addition, before fingerprint processing was done electronically, there could be up to a 3-month wait for the FBI and the Department of Justice to perform their required background checks. (With electronic fingerprints today, that wait time has been reduced to approximately 3 to 7 days.)

Application of the 90 Day Rule

The 90-day rule works as follows:

- Post-degree hours of experience gained under the 90-day rule are ONLY applied retroactively toward licensure if the BBS ultimately grants the applicant a BBS number. An applicant whose application is denied is not permitted to count any post-degree hours towards licensure. An applicant may not say he or she is registered with the Board until a registration number is issued.
- The 90-day rule does not affect the ability of agencies to hire interns in an exempt setting, because a license or registration is not required to work in an exempt setting. Exempt settings maintain their own independent protocols regarding interviews and background checks for applicants. Most individuals who utilize the 90-day rule to retroactively count hours toward licensure have been working for weeks, months, or even years at their current exempt agency, often during practicum placements prior to graduation. During the work of the Supervision Committee, Board staff conducted a survey of supervisees (interns/registrants) in an effort become better informed about the supervision experience. One key take-away from that survey is that out of the approximately 400 supervisees who responded, most of the respondents gained their hours in a public, non-profit agency or government agency (exempt settings). Again, the law does not require a license or registration to work in these settings.
- All applicants for a registration are prohibited from working in a private practice until they have been granted an intern registration number by the Board.

Previous Concerns Regarding the 90-Day Rule

In 2012, the Board pursued legislation to eliminate the 90-day rule for LMFT and LPCC applicants. This was due to concerns that the 90-day rule could potentially be used to practice unlicensed and outside the Board's jurisdiction while temporarily bypassing the Board's enforcement process.

Ultimately, the Board was unable to find an author for the proposal to eliminate the 90-day rule, due to stakeholder opposition and a lack of specific cases where such a situation compromised consumer protection.

Current Issue

While reviewing AB 93, the Board's supervision bill, the Legislature raised a public protection concern about the 90-day rule, which is contained in two of the code sections AB 93 is amending. Specifically, the concern is that the 90-day rule allows unregistered individuals to provide mental health services without a fingerprint clearance.

Data from Other States

Staff contacted several other states to see if any had components of their law like the 90-day rule. Although states' licensing processes do have some variations, no component like the 90-day rule was found. **Attachment A** shows findings from some other states.

Other DCA Boards

Psychology Board: Supervised professional experience can be gained both pre-and post-doctorate. Registration with the board (and fingerprinting with the board) is not required if the hours being accrued is in a pre-doctoral internship accredited by certain specified institutions such as the American Psychological Association, an exempt setting (an academic institution, public school, or government agency), or via a Department of Mental Health waiver. However, if hours are accrued in another setting, registration with the board is required, and this triggers the fingerprint requirement. **Attachment B** outlines the Psychology Board's pathways to licensure.

Occupational Therapy Board: This board does not have post-degree experience requirements. Experience is gained while in the degree program under the supervision of the school. The board does have a limited permit that allows recent graduates to work under supervision while waiting to take the national exam. Fingerprints are required for a limited permit. The permit cancels if the exam is failed.

Acupuncture Board: This board does not have a registration category for pre-licensed individuals; it only issues licenses. Schools run clinics where students gain experience. The board does not require persons in school to get printed, but they can submit for quicker processing.

Possible Solutions

1. **Eliminate the 90-day Rule Entirely:** With this option, a phase-out date would be needed in current law, so that those planning to count hours already gained while the 90-day rule was in the law would not be adversely affected. (Hours are good for six years.)
2. **Allow the Counting of Non-Clinical Hours Only:** With this option, only non-clinical hours would count under the 90-day rule. A phase-out date for clinical hours would be needed.
3. **Allow the 90-Day Rule if Supervisor Certifies the Applicant was Fingerprinted:** With this option, the 90-day rule would only apply if the employer certified that they had run a fingerprint background check on the applicant.
4. **Narrow the Window that the 90-Day Rule Applies:** Currently, if an applicant applies within the 90-day rule, he or she has up to a year to remediate any deficiencies and submit the final information before the application is abandoned. (Most applicants do not take this long to remediate.) During that time, hours count because the 90-day rule was followed. One suggestion is to only allow hours to be gained under the 90-day rule for a limited period, for example, 30 or 60 days. However, this solution likely does not address the Legislature's concerns, because the individual is still counting hours while possibly not having a fingerprint clearance.
5. **Register Trainees:** Under this option, the Board would register and oversee all trainees while in their master's degree program. In this situation, the Board would have disciplinary authority over trainees, and it would eliminate part of the waiting period between graduation and registration.

The Board previously registered marriage and family therapist trainees for approximately 3-4 years in the early 1990's. However, the trainee registration was repealed via legislation as of January 1, 1994, due to several concerns. **Attachment C** shows the

Senate Committee on Business and Professions' July 1993 analysis of AB 1885, which was the bill that eliminated trainee registrations. This document outlines the key concerns at the time. These concerns, and current staff concerns, include the following:

- Public confusion over the trainee's role and experience.
- Inability of the Board to ensure that a trainee stays in school once registered.
- Unclear consequences of failing to register as a trainee or renew that registration (would practicum, which may not be remediated post-degree, not count?)
- Significant additional resources would be needed to implement this new registration type, including new staff and Breeze programming costs.

Attachments

Attachment A: Licensure Process in other States for Marriage and Family Therapy Applicants

Attachment B: California Board of Psychology Pathways to Licensure Flowchart

Attachment C: Senate Committee on Business and Professions Bill Analysis for AB 1885 (July 12, 1993) (This bill removed trainee registrations)

**Attachment A
Licensure Process in Other States for Marriage and Family Therapy Applicants**

State	Are Applicants Allowed to Gain Hours Toward Licensure Before an Intern/Associate Registration is Issued?
Arizona	Has a temporary license category for graduates who have not yet taken the exams.
Florida	No - must have an intern registration to gain hours.
Massachusetts	No - do not have a registration category to gain hours. Must get permission to take exam, can accrue experience while in exam process.
Minnesota	Applicants do not need a registration to gain hours. Need to have applied to take national exam within six months of beginning to gain hours.
Nevada	No - must be intern to gain hours.
New York	No - must be under a limited permit to gain hours unless enrolled in a COAMFTE school or graduated and working in an exempt setting.
Oregon	No - must be registered to gain hours
Texas	Must be registered to gain hours, but allows some pre-degree practicum hours.
Washington	No - must be registered as an associate to gain hours.

Arizona - Must be a licensed associate to gain hours, and associates may not work in private practice. They do have a temporary license for those who have not yet taken the exams (or if they are coming as licensees from another state). There is no limit on number of years someone can be a licensed associate. The state does not register pre-degree trainees.

Florida - Must have an intern registration to gain hours. The intern registration is good for 5 years, and then it may not be renewed unless the applicant passes the Theory & Practice Exam for licensure. The state does not register anyone still in school. The state does not fingerprint applicants for licensure or intern registration.

Massachusetts - They do not have a registration to gain hours. The board does not fingerprint its licensees or applicants. Applicants must send in degree coursework to the board to get permission to take the exam, and they can accrue experience while in exam process. No age limit on required experience, but must re-do criminal history question after 5 years. The board does not register individuals still in school or allow experience to be gained while still in school.

Minnesota - Applicants do not need to register with the board in order to gain hours. After graduation, they can start gaining post-degree supervised experience under an approved supervisor. Must apply to take the national exam within six months of beginning to gain hours. The board does not allow counting of pre-degree hours. As of October 1, 2017, the board is going to begin to require fingerprints for first-time applicants and for individuals with expired licenses wanting an active license.

Nevada - Must be intern to gain hours; no grace period. They do not register trainees or anyone still in school. An intern registration is good for 3 years. They may renew the intern one time for another 3 years (total of 6 years). After that must submit a completely new application.

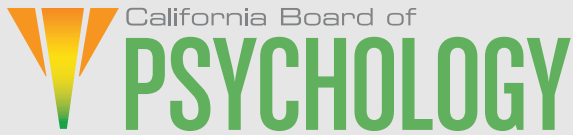
New York - There are two ways to gain hours. If attending a COAMFTE program, can gain some hours as part of that program. Otherwise, need to graduate and obtain a limited permit from the state to gain hours. The only exception is a limited permit is not needed to gain hours if working in an exempt facility. There is no grace period to gain hours while waiting for a limited permit. The state does not fingerprint its applicants or licensees.

Oregon - Must be registered to gain hours. They do not register trainees - only post degree individuals. Registrations are good for 5 years. After 5 years, they can re-apply for a new number. No special requirements then, just check supervisor info. They can work in a private practice with a subsequent registration number. No limit on number of subsequent registration numbers; however, if you are gone for two many years, then you will need to meet current education requirements. The state keeps records for 5 years, so if you are gone for 5 years, your records are gone and then you must meet current requirements.

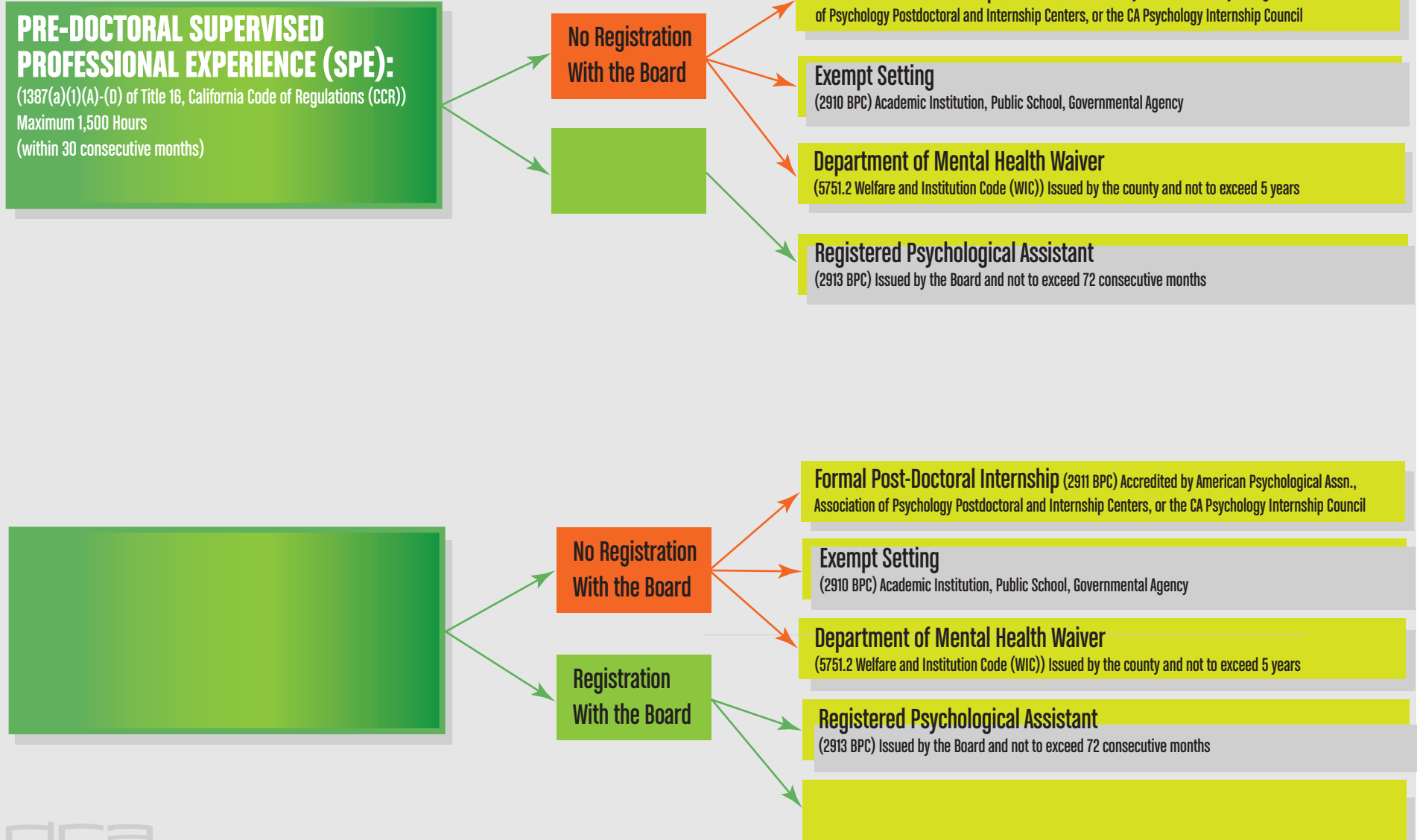
Texas - must be a registered associate to gain hours (except a limited amount of practicum hours). Associates must have passed required exams. A registration is valid 2 years, and can be renewed biennially for up to 6 years. After that, if hours not gained, must wait at least 2 years to reapply. Exams may be taken while still a student with proof the applicant is in his/her graduate internship and in good standing in the program.

Washington - must be registered as an associate to gain hours. No exception or grace period. They do not register trainees or anyone who has not graduated with transcripts. Associate registration can only be renewed 6 times. Almost everyone gets it within that time, so its not really an issue. If they don't, they would register as a similar license type (i.e. they have a mental health counselor license, other very similar licenses) and gain the hours under that registration, then likely qualify for both later.

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PATHWAYS TO LICENSURE FLOWCHART



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ATTACHMENT C

BILL ANALYSIS

SENATE COMMITTEE ON BUSINESS AND PROFESSIONS
 Senator Daniel Boatwright, Chairman

BILL NO.: AB 1885
 AUTHOR: V. Brown
 As Amended: 7/7/93

HEARING DATE: July 12, 1993 FISCAL: Yes

SUBJECT: Board of Behavioral Science Examiners: Marriage, family, and child counselors (MFCCs); licensure.

DIGEST:

Existing law provides for the licensing and regulation of approximately 23,200 licensed MFCCs, and the registration of approximately 1,560 MFCC trainees and 13,590 MFCC interns by the Board of Behavioral Science Examiners (BBSE) of the Department of Consumer Affairs.

Existing law requires applicants for licensure to complete 3,000 hours of supervised experience as a registered trainee and/or intern, including 1,500 hours supervised experience prior to completion of the specified graduate degree program. The law provides that a trainee or intern must have at least one hour of direct supervision for each week of experience claimed.

Existing law provides that an applicant for MFCC license must possess a master's or doctorate degree with specified instructional units from an academic institution accredited by the Western Association of Schools and Colleges, the Northwest Association of Secondary and Higher Schools, or their equivalent, as determined by the Board of Behavioral Science Examiners (BBSE) or approved by the Superintendent of Public Instruction.

Existing law also exempts from MFCC licensure certain individuals, including priests and licensed attorneys, and individuals employed to provide certain services by a governmental entity, school, college, university or nonprofit and charitable corporation.

Existing law also provides that an MFCC intern is an unlicensed person with a master's or doctorate degree in marriage, family and child counseling or specified related field and provides that an MFCC trainee is one who is enrolled in a master's or doctorate degree program in marriage, family and child counseling or specified related field.

Existing law requires MFCC interns and trainees to register with the BBSE prior to providing counseling services. A registered intern or trainee is authorized to gain the required practical experience in a private practice setting or as an employee of a governmental or school entity or nonprofit and charitable corporation.

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Existing law requires the supervisor of an intern or trainee to have been licensed for at least 2 years and hold a current license not under suspension or probation. The BBSE is authorized to impose additional requirements by regulation.

Existing law also requires an applicant for MFCC licensure to complete training in the law and ethics relevant to marriage, family and child counseling.

This bill would repeal the requirement that trainees register with the BBSE and the requirement that trainees and interns notify the BBSE of employment or termination of employment.

This bill also would specify that an MFCC trainee must be currently enrolled in a designated graduate degree program and have completed at least 12 semester or 18 quarter units of course work.

This bill would repeal the requirement that an MFCC trainee register with the board and instead provides that the trainee:

1. Must complete a minimum of 150 hours, but not more than 750 hours, of counseling and direct supervised client contact prior to the granting of the necessary graduate degree to become an MFCC intern.
2. Perform the supervised counseling at a site approved by the trainee's school and under a written agreement between the school and site. The written agreement must include details for the supervision of the trainee and regular evaluation reports of the trainee's performance.
3. Is limited to field work at an exempt setting upon approval by the school.
4. Expands unprofessional conduct to include the violation of any laws or regulations governing the supervision of trainees and interns.
5. Deletes an incorrect reference to the Superintendent of Public Instruction and substitutes the Council for Private Postsecondary and Vocational Education.
6. Clarifies that the law and ethics training for MFCCs should be part of the qualifying degree program for interns, not a separate requirement for licensure application.

This bill would clarify that a qualifying supervisor shall not include an individual who has provided therapeutic services to the registrant.

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This bill would allow individuals who possessed a degree which would have qualified them for intern registration prior to December 31, 1987, but failed to apply or qualify for that registration, to obtain such additional education as is necessary to meet current educational requirements and to register as an intern, so long as the additional education is reviewed and

§approved by a WASC-accredited institution.

This bill would add as unprofessional conduct by licensees §employing, directly or indirectly, any unlicensed or unregistered §person to engage in conduct for which a license is required.

This bill would increase the amount of direct supervisor contact §with registrants to include an additional average of 1 hour of §supervisor contact for every 5 hours of experience hours for §trainees and an additional average of 1 hour of supervisor §contact for every 10 hours of experience hours for interns, which §are obtained in each setting claimed.

FISCAL EFFECT

Unknown. This is a fiscal bill.

COMMENTS

1. This bill is sponsored by the Board of Behavioral Science Examiners (BBSE) in order to strengthen the experience and §supervision requirements for those seeking licensure as marriage, §family and child counselors. The proposed changes focus on §trainees, who have not yet received their required master's or §doctorate degrees for licensure as an MFCC.

The BBSE believes the bill is needed to ensure adequate §supervision of MFCC trainees and interns and to limit the level §of services being provided to clients by these unlicensed §individuals. The bill reflects recommendations made to the Board §at a series of public hearings in the past 2 years. According to §the BBSE, many trainees are floundering in the absence of clear §direction by academic institutions or their supervisors. The §BBSE states that the current program emphasizes the crediting of §hours of field work experience, rather than the quality of the §practical experience. The BBSE believes that this should be §changed.

2. Licensees of the BBSE.

The Board licenses and regulates approximately 22,000 MFCCs who §provide counseling services to individuals, couples or groups §that examine interpersonal relationships for the purpose of §achieving more adequate, satisfying and productive marriage and §family adjustments. The BBSE has registered some 13,000 MFCC §

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interns and 5,000 trainees.

3. Trainees required to complete 1 semester.

This bill requires that an MFCC trainee be currently enrolled in §an MFCC program and complete at least 1 semester of relevant §coursework before engaging in direct client counseling. The BBSE §notes that a trainee presently may provide counseling services §immediately upon registration with the BBSE. Without the §changes, a graduate student could register as an MFCC trainee and §continue working indefinitely without attending classes.

4. Trainee field work supervision.

Currently, MFCC trainees must complete specified academic course §work and a minimum of 1,500 hours of supervised practical §experience. The practical experience must include at least 1 §hour of direct supervision for each week of experience claimed. §A trainee must register with the Board of Behavioral Science §Examiners prior to any client counseling.

This bill requires that any training site be approved by the §graduate school of the student. This bill also requires that the §school and the site enter into a written agreement detailing such §things as the methods of trainee supervision and the need for §regular reports and evaluations of student performance. The §requirement for school approval and a written agreement would §apply to practical counseling experience gained as an employee of §a governmental entity, school, college, university or nonprofit §and charitable corporation, where counseling services are §otherwise outside the Board's jurisdiction.

The bill also specifies that a trainee have a minimum of 150 §hours of counseling and direct client contact in the degree §practice, but limits to 750 hours the amount of direct counseling §and direct supervised contact that may be obtained prior to §earning the graduate degree necessary for MFCC licensure.

The BBSE states that the current program allows up to 1,500 hours §of supervised counseling experience prior to completion of the §degree program and does not always produce adequate supervision §of trainees. The Board is concerned that consumers are being §misled by the current pre-license status of trainees and that §false expectations are created by the system for the trainees.

5. Supervisor contact.

The bill increases the amount of direct supervisor contact §required for interns and trainees. The BBSE believes that the §current requirement of 1 hour of individual or 2 hours of group §supervisor contact per week of experience claimed, regardless of §the number of experience hours supervised, does not adequately §

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relate the supervisor contact to the amount of experience hours §being supervised. The BBSE believes relating the direct §supervisor contact to a ratio number of experience hours claimed §is more appropriate as it provides more adequate monitoring of §the services provided by an unlicensed individual.

6. Unprofessional conduct.

A supervisor of an intern is required to have been licensed in §California for at least 2 years and hold a current license not §under suspension or probation. This bill would make violation of §any law or regulation governing the supervision of trainees and §interns unprofessional conduct by the MFCC supervisor. The BBSE §believes this will bolster the level and quality of supervision §given to MFCC interns and trainees.

7. Course authorization.

Applicants for MFCC licensure are required to have a master's or doctorate degree with specified instructional units from an academic institution accredited by the Western Association of Schools and Colleges, the Northwest Association of Secondary and Higher Schools, or their equivalent, as determined by the Board of Behavioral Science Examiners or approved by the Superintendent of Public Instruction. This bill substitutes the Council for Private Postsecondary and Vocational Education for the Superintendent of Public Instruction. The council is a state agency that licenses and evaluates private postsecondary and vocational education schools. It previously was a part of the state Department of Education.

8. Post-qualifying degree work.

This bill would allow an individual who, prior to December 31, 1987, met the educational requirements for intern registration, but failed to register or qualify for that registration, to have that education reviewed by a WASC-accredited institution which would certify to the Board the coursework necessary for completion to meet current educational requirements. The individual would then be able to complete such coursework post-degree and subsequently register and qualify for intern registration. The BBSE has identified this method of post-degree completion of coursework as appropriate and is based on a model utilized by the Commission on Teacher Credentialing. This would eliminate the need for these individuals to obtain a completely new qualifying degree which meets current educational requirements.

9. Related legislation.

AB 3535 (Speier) of 1992 would have prohibited non-resident or correspondence courses in any phase of the MFCC degree program, s□

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except for clinical experience. The bill was sponsored by the Board of Behavioral Science Examiners to also require review of accredited schools by the Council for Private Postsecondary and Vocational Education, rather than the Superintendent of Public Instruction. The bill also proposed clarifying that the law and ethics training for MFCCs should be part of the qualifying degree program for interns, not a separate requirement for licensure application. AB 3535 was held by the Senate Business and Professions Committee.

10. Possible amendments.

The California Association of Marriage and Family Therapists (CAMFT) has expressed some concern with the current amendments in this bill relating to the exact wording or phrases used therein.

The CAMFT has not expressed opposition to this bill.

Support and Opposition:

Support: Board of Behavioral Science Examiners (sponsor)
California Association for Counselor Education & Supervision

Opposition: None received (7/6/93)

Consultant: Michael G. Gomez

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To: Committee Members

Date: October 3, 2017

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed AB 93 Amendments

Background

AB 93 (Medina) is sponsored by the Board and represents the work of the Supervision Committee. The bill seeks to strengthen the quality of supervision, by focusing on supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions.

The original bill proposal was approved by the Board at its November 2016 meeting. Minor technical amendments to the bill were approved at the Board's March 2017 meeting.

AB 93 passed through the Assembly. However, it became a 2-year bill in the Senate due to consumer protection concerns about the 90-day rule, and requests for other substantive changes to the language in the code sections being amended.

Staff has worked extensively with the Senate Committee on Business, Professions, and Economic Development (Senate Committee) to develop amendments that strike a balance of preserving the original intent of the bill, while making some clean-up changes that address the Senate Committee's concerns.

Attachment A shows AB 93 with the Senate Committee's proposed amendments. Amendments differing from language the Board originally approved are shown in italics (for new language) and strikeout (for language being deleted). This version is a preliminary draft and is not in print yet. It needs the approval of the Board to move forward.

Recommendation

Conduct an open discussion of the proposed draft of AB 93 shown in **Attachment A**.

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**ATTACHMENT A
PROPOSED AMENDMENTS**

**RN 17 19690 19
09/11/17 09:11 AM
SUBSTANTIVE**

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 93

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 93

Introduced by Assembly Member Medina

January 9, 2017



An act to amend Sections 728, 4980.01, 4980.03, 4980.35, 4980.397, 4980.399, 4980.40, 4980.42, 4980.43, 4980.44, 4980.50, 4980.78, 4980.79, 4982, 4982.15, 4984.01, 4984.7, 4992.05, 4992.09, 4992.3, 4996.17, 4996.18, 4996.23, 4999.12, 4999.36, 4999.42, 4999.46, 4999.50, 4999.51, 4999.52, 4999.55, 4999.62, 4999.63, and 4999.90 of, to amend and renumber Section 4980.45 of, to add Sections 4980.43.1, ~~4980.43.2~~, 4980.43.3, 4980.43.4, 4980.43.6, 4996.20, 4996.21, 4996.23.1, 4996.23.2, 4996.23.3, 4999.46.1, 4999.46.2, 4999.46.3, 4999.46.4, and 4999.46.5 to, and to repeal Sections 4996.24, 4999.34, 4999.44, 4999.45, 4999.455, and 4999.47 of, the Business and Professions Code, and to amend Section 124260 of the Health and Safety Code, relating to healing arts.

Amendment 1

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as amended, Medina. Healing arts: marriage and family therapists: clinical social workers: professional clinical counselors: required experience and supervision.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, and professional clinical counselors by the Board of Behavioral Sciences, which is within the Department of Consumer Affairs. Existing law requires trainees, interns, and applicants for licensure in those professions to comply with specified

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educational and experience requirements, including, but not limited to, hours of supervised experience, and sets forth terms, conditions, and limitations for those hours of experience, including required supervision, as specified. Existing law also requires individuals seeking licensure in those professions to register with the board in order to gain experience hours. Under existing law, a violation of any of the requirements of the licensing acts for marriage and family therapists, clinical social workers, and professional clinical counselors is punishable as a misdemeanor.

This bill would revise and recast those supervised experience requirements, as specified. The bill would place new requirements on supervisors of trainees, associates, and applicants for licensure and place new requirements on trainees, associates, and applicants for licensure who are under supervision, as specified. The bill would make conforming changes. By placing new requirements on trainees, associates, applicants for licensure, and their supervisors, a violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

Page 2 1 SECTION 1. Section 728 of the Business and Professions Code
2 is amended to read:
3 728. (a) Any psychotherapist or employer of a psychotherapist
4 who becomes aware through a patient that the patient had alleged
5 sexual intercourse or alleged sexual contact with a previous
6 psychotherapist during the course of a prior treatment shall provide
7 to the patient a brochure promulgated by the department that
8 delineates the rights of, and remedies for, patients who have been
9 involved sexually with their psychotherapists. Further, the
10 psychotherapist or employer shall discuss with the patient the
11 brochure prepared by the department.
12 (b) Failure to comply with this section constitutes unprofessional
13 conduct.

Page 2 14 (c) For the purpose of this section, the following definitions
15 apply:

Page 3 1 (1) "Psychotherapist" means a physician and surgeon
2 specializing in the practice of psychiatry or practicing
3 psychotherapy, a psychologist, a clinical social worker, a marriage
4 and family therapist, a licensed professional clinical counselor, a
5 psychological assistant, an associate marriage and family therapist
6 or marriage and family therapist trainee, an associate professional
7 clinical counselor or professional clinical counselor trainee, as
8 specified in Chapter 16 (commencing with Section 4999.10), or
9 an associate clinical social worker.

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

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

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

23 SEC. 2. Section 4980.01 of the Business and Professions Code
24 is amended to read:

25 4980.01. (a) Nothing in this chapter shall be construed to
26 constrict, limit, or withdraw the Medical Practice Act, the Social
27 Work Licensing Law, the Nursing Practice Act, the Licensed
28 Professional Clinical Counselor Act, or the Psychology Licensing
29 Act.

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

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

- 39 (A) A governmental entity.
- 40 (B) A school, college, or university.

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1 (C) An institution that is both nonprofit and charitable.
2 (2) This chapter shall not apply to a volunteer working in any
3 of the settings described in paragraph (1) if his or her work is
4 performed solely under the supervision of the entity, school, or
5 institution.
6 (d) A marriage and family therapist licensed under this chapter
7 is a licentiate for purposes of paragraph (2) of subdivision (a) of
8 Section 805, and thus is a health care practitioner subject to the
9 provisions of Section 2290.5 pursuant to subdivision (b) of that
10 section.
11 (e) Notwithstanding subdivisions (b) and (c), all persons
12 registered as associates or licensed under this chapter shall not be
13 exempt from this chapter or the jurisdiction of the board.
15 SEC. 3. Section 4980.03 of the Business and Professions Code
16 is amended to read:
17 4980.03. (a) "Board," as used in this chapter, means the Board
18 of Behavioral Sciences.
19 (b) "Associate," as used in this chapter, means an unlicensed
20 person who has earned his or her master's or doctoral degree
21 qualifying him or her for licensure and ~~meets one of the following:~~
+ *is registered with the board as an associate.*
22 ~~(1) The individual is registered with the board as an associate.~~
23 ~~(2) The individual's degree was awarded and the board receives~~
24 ~~his or her application for registration as an associate with the board~~
25 ~~within 90 days of the degree award date.~~
26 (c) "Trainee," as used in this chapter, means an unlicensed
27 person who is currently enrolled in a master's or doctoral degree
28 program, as specified in Sections 4980.36 and 4980.37, that is
29 designed to qualify him or her for licensure under this chapter, and
30 who has completed no less than 12 semester units or 18 quarter
31 units of coursework in any qualifying degree program.
32 (d) "Applicant for licensure," as used in this chapter, means an
33 unlicensed person who has completed the required education and
34 required hours of supervised experience for ~~licensure as specified~~
35 ~~in this chapter.~~ *licensure.*
36 (e) "Advertise," as used in this chapter, includes, but is not
37 limited to, any public communication, as defined in subdivision
38 (a) of Section 651, the issuance of any card, sign, or device to any
39 person, or the causing, permitting, or allowing of any sign or
40 marking on, or in, any building or structure, or in any newspaper

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1 or magazine or in any directory, or any printed matter whatsoever,
2 with or without any limiting qualification. Signs within religious
3 buildings or notices in church bulletins mailed to a congregation
4 shall not be construed as advertising within the meaning of this
5 chapter.

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

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

13 (1) ~~Has been actively licensed in this state or has held an active~~
14 ~~equivalent license in any other state as a licensed professional~~
15 ~~clinical counselor, licensed marriage and family therapist, licensed~~
16 ~~clinical psychologist, licensed clinical social worker, or licensed~~
17 ~~physician and surgeon who is certified in psychiatry by the~~
18 ~~American Board of Psychiatry and Neurology, for at least two~~
19 ~~years of the past five years immediately prior to commencing any~~
20 ~~supervision; 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, licensed psychologist, 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.*

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

25 (3) ~~Has~~ *For at least two years within the five-year period*
+ *immediately preceding any supervision, has either practiced*
26 *psychotherapy or provided direct clinical supervision of*
+ *psychotherapy performed by marriage and family therapist trainees,*
27 *associate marriage and family therapists, associate professional*
28 *clinical counselors, or associate clinical social workers, who*
29 *perform psychotherapy, for at least two years within the five-year*

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Page 5 30 period immediately preceding any supervision. *workers.*
31 Supervision of ~~social work students enrolled in an accredited~~
+ ~~master's or doctoral program or psychotherapy performed by a~~
32 ~~social work intern or a~~ professional clinical counselor trainees;
33 ~~who perform psychotherapy; trainee~~ shall be accepted toward the
34 ~~required two years~~ if the supervision provided to the students is
35 substantially equivalent to the supervision required for registrants.

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

Amendment 16

38 (5) Has not provided therapeutic services to the supervisee.

39 (6) Has and maintains a current and active ~~California~~ license
+ *as a marriage and family therapist, professional clinical counselor,*
+ *marriage and family therapist, licensed psychologist, or physician*
+ *and surgeon who is certified in psychiatry by the American Board*
40 *of Psychiatry and Neurology* that is not under suspension or
+ probation.

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Page 6 1 (7) ~~Complies with supervision requirements established by this~~
2 ~~chapter and by board regulations. Is not a spouse, domestic partner,~~
+ ~~or relative of the supervisee.~~

Amendment 19

+ (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.*

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

9 SEC. 4. Section 4980.35 of the Business and Professions Code
10 is amended to read:

11 4980.35. (a) The Legislature acknowledges that the basic
12 obligation to provide a complete and accurate application for a
13 marriage and family therapist license lies with the applicant. At
14 the same time, the Legislature recognizes that an effort should be
15 made by the board to ensure that persons who enter degree
16 programs and supervisorial training settings that meet the
17 requirements of this chapter are enabled to discern the requirements
18 for licensing and to take the examination when they have completed
19 their educational and experience requirements.

20 (b) In order that the board, the educational institutions, and the
21 supervisors who monitor the education and experience of applicants

Page 6 22 may develop greater cooperation, the board shall do all of the
23 following:

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

30 (2) Develop policies and procedures to assist educational
31 institutions in meeting the curricula requirements of Sections
32 4980.36 and 4980.37 and any regulations adopted pursuant to those
33 sections, so that those educational institutions may better provide
34 assurance to their students that the curriculum offered to fulfill the
35 educational requirements for licensure will meet those requirements
36 at the time of the student's application for licensure.

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

Page 7 1 (4) Undertake, or cause to be undertaken, further comprehensive
2 review, in consultation with educational institutions, professional
3 associations, supervisors, associates, and trainees, of the
4 supervision of associates and trainees, which shall include, but not
5 be limited to, the following, and shall propose regulations regarding
6 the supervision of associates and trainees that may include, but
7 not be limited to, the following:

8 (A) Supervisor qualifications.

9 (B) Continuing education requirements of supervisors.

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

11 (D) Responsibilities of supervisors in general.

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

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

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

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Page 7 23 SEC. 5. Section 4980.397 of the Business and Professions
 24 Code is amended to read:
 25 4980.397. (a) ~~Effective January 1, 2016, a~~ registrant or an
 26 applicant for licensure as a marriage and family therapist shall
 27 pass the following two examinations as prescribed by the board:
 28 (1) A California law and ethics examination.
 29 (2) A clinical examination.
 30 (b) Upon registration with the board, an associate marriage and
 31 family therapist shall, within the first year of registration, take an
 32 examination on California law and ethics.
 33 (c) A registrant or an applicant for licensure may take the clinical
 34 examination only upon meeting all of the following requirements:
 36 (1) Completion of all required supervised work experience.
 37 (2) Completion of all education requirements.
 38 (3) Passage of the California law and ethics examination.
 39 ~~(d) This section shall become operative on January 1, 2016.~~

Amendment 21

Page 8 1 SEC. 6. Section 4980.399 of the Business and Professions
 2 Code is amended to read:
 3 4980.399. (a) Except as provided in subdivision (a) of Section
 4 4980.398, each applicant and registrant shall obtain a passing score
 5 on a board-administered California law and ethics examination in
 6 order to qualify for licensure.
 7 (b) A registrant shall participate in a board-administered
 8 California law and ethics examination prior to his or her registration
 9 renewal.
 10 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~
 11 ~~registration eligible for renewal, with an expiration date no later~~
 12 ~~than June 30, 2016, and who applies for renewal of that registration~~
 13 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
 14 ~~allowed to renew the registration without first participating in the~~
 15 ~~California law and ethics examination. These applicants shall~~
 16 ~~participate in the California law and ethics examination in the next~~
 17 ~~renewal cycle, and shall pass the examination prior to licensure or~~
 18 ~~issuance of a subsequent registration number, as specified in this~~
 19 ~~section.~~
 20 ~~(d)~~
 + (c) If an applicant fails the California law and ethics
 21 examination, he or she may retake the examination, upon payment
 22 of the required fees, without further application except as provided
 23 in subdivision (e): (d).

Amendment 22

Amendment 23

Amendment 24

Page 8 24 (e)
 + (d) If a registrant fails to obtain a passing score on the California
 25 law and ethics examination described in subdivision (a) within his
 26 or her renewal period on or after the operative date of this section,
 27 he or she shall complete, at a minimum, a 12-hour course in
 28 California law and ethics in order to be eligible to participate in
 29 the California law and ethics examination. Registrants shall only
 30 take the 12-hour California law and ethics course once during a
 31 renewal period. The 12-hour law and ethics course required by
 32 this section shall be taken through a continuing education provider
 33 as specified by the board by regulation, a county, state or
 34 governmental entity, or a college or university.

Amendment 26

35 (f)
 36 (e) The board shall not issue a subsequent registration number
 37 unless the applicant has passed the California law and ethics
 + examination.

Amendment 27

38 (g) Notwithstanding subdivision (f), an applicant who holds or
 39 has held a registration, with an expiration date no later than January
 40 1, 2017, and who applies for a subsequent registration number
 Page 9 1 between January 1, 2016, and January 1, 2017, shall, if eligible,
 2 be allowed to obtain the subsequent registration number without
 3 first passing the California law and ethics examination. These
 4 applicants shall pass the California law and ethics examination
 5 during the next renewal period or prior to licensure, whichever
 6 occurs first.

Amendment 28

7 (h) This section shall become operative on January 1, 2016.
 8 SEC. 7. Section 4980.40 of the Business and Professions Code
 9 is amended to read:

10 4980.40. To qualify for a license, an applicant shall have *An*
 11 applicant for licensure shall satisfy all of the following
 + qualifications:

Amendment 29

12 (a) Meet the educational requirements of Section 4980.36 or
 13 both Sections 4980.37 and 4980.41, as applicable.

14 (b) Be at least 18 years of age.

15 (c) Have at least two years of supervised experience that meet
 16 the requirements of this chapter and those specified by the board
 17 in regulation; as specified in this chapter and its corresponding
 + regulations.

Amendment 30

18 (d) Effective January 1, 2016, successfully *Successfully* pass a
 19 California law and ethics examination and a clinical examination.

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Page 9 20 An applicant who has successfully passed a previously
21 administered written examination may be subsequently required
22 to take and pass another written examination.

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

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

Amendment 32

31 SEC. 8. Section 4980.42 of the Business and Professions Code
32 is amended to read:

33 4980.42. (a) Trainees performing services in any work setting
34 specified in Section 4980.43.4 may perform those activities and
35 services as a trainee, provided that the activities and services
36 constitute part of the trainee’s supervised course of study and that
37 the person is designated by the title “trainee.”

39 (b) Trainees subject to Section 4980.37 may gain hours of
40 experience and counsel clients outside of the required practicum.

Page 10 1 This subdivision shall apply to hours of experience gained and
2 client counseling provided on and after January 1, 2012.

3 (c) Trainees subject to Section 4980.36 may gain hours of
4 experience outside of the required practicum but must be enrolled
5 in a practicum course to counsel clients. Trainees subject to Section
6 4980.36 may counsel clients while not enrolled in a practicum
7 course if the period of lapsed enrollment is less than 90 calendar
8 days, and if that period is immediately preceded by enrollment in
9 a practicum course and immediately followed by enrollment in a
10 practicum course or completion of the degree program.

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

13 (e) All hours of experience gained as a trainee shall be
14 coordinated between the school and the site where the hours are
15 being accrued. The school shall approve each site and shall have
16 a written agreement with each site that details each party’s
17 responsibilities, including the methods by which supervision shall
18 be provided. The agreement shall provide for regular progress
19 reports and evaluations of the student’s performance at the site. If
20 an applicant has gained hours of experience while enrolled in an

Page 10 21 institution other than the one that confers the qualifying degree, it
22 shall be the applicant's responsibility to provide to the board
23 satisfactory evidence that those hours of trainee experience were
24 gained in compliance with this section.

27 ~~SEC. 9. Section 4980.43 of the Business and Professions Code is~~
+ ~~amended to read:~~

28 ~~4980.43. (a) To qualify for licensure as specified in Section~~
29 ~~4980.40, each applicant shall complete experience related to the~~
30 ~~practice of marriage and family therapy under a supervisor who~~
31 ~~meets the qualifications set forth in Section 4980.03. The~~
32 ~~experience shall comply with the following:~~

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

35 ~~(2) A maximum of 40 hours in any seven consecutive days:~~

36 ~~(3) A minimum of 1,700 hours obtained after the qualifying~~
37 ~~master's or doctoral degree was awarded:~~

38 ~~(4) A maximum of 1,300 hours obtained prior to the award date~~
39 ~~of the qualifying master's or doctoral degree:~~

+
Page 11 1 ~~(5) A maximum of 750 hours of counseling and direct supervisor~~
2 ~~contact prior to the award date of the qualifying master's or~~
3 ~~doctoral degree:~~

4 ~~(6) No hours of experience may be gained prior to completing~~
5 ~~either 12 semester units or 18 quarter units of graduate instruction:~~

6 ~~(7) Hours of experience shall not be gained more than six years~~
7 ~~prior to the date the application for licensure was received by the~~
8 ~~board, except that up to 500 hours of clinical experience gained~~
9 ~~in the supervised practicum required by subdivision (c) of Section~~
10 ~~4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)~~
11 ~~of Section 4980.36 shall be exempt from this six-year requirement:~~

13 ~~(8) A minimum of 1,750 hours of direct clinical counseling with~~
14 ~~individuals, groups, couples, or families, that includes not less than~~
15 ~~500 total hours of experience in diagnosing and treating couples,~~
16 ~~families, and children:~~

17 ~~(9) A maximum of 1,250 hours of nonclinical practice,~~
18 ~~consisting of direct supervisor contact, administering and~~
19 ~~evaluating psychological tests, writing clinical reports, writing~~
20 ~~progress or process notes, client centered advocacy, and workshops,~~
21 ~~seminars, training sessions, or conferences directly related to~~

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Page 11 22 marriage and family therapy that have been approved by the
23 applicant's supervisor.

24 (10) ~~It is anticipated and encouraged that hours of experience~~
25 ~~will include working with elders and dependent adults who have~~
26 ~~physical or mental limitations that restrict their ability to carry out~~
27 ~~normal activities or protect their rights.~~

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

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

+ SEC. 9. Section 4980.43 of the Business and Professions Code
+ is amended to read:

+ 4980.43. (a) ~~To qualify for licensure as specified in Section~~
+ ~~4980.40, each applicant shall complete experience 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~~ *All applicants shall have an active associate*
+ *registration with the board in order to gain postdegree hours of*
+ *supervised experience.*

+ (b) *Supervised experience that is obtained for purposes of*
+ *qualifying for licensure shall be related to the practice of marriage*
+ *and family therapy 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 of experience may~~ *Hours of experience shall not*
+ *be gained prior to completing either 12 semester units or 18 quarter*
+ *units of graduate instruction.*

+ (7) ~~No hours of experience may~~ *Hours of experience shall not*
+ *be 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)

+ (c) 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.

+ ~~(e) 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.~~

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- + ~~(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.~~

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- + ~~(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~~

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- + ~~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.

+ ~~(A) 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.~~

Page 11 35 SEC. 10. Section 4980.43.1 is added to the Business and
36 Professions Code, to read:

37 4980.43.1. (a) All trainees, associates, and applicants for
38 licensure shall be at all times under the supervision of a supervisor
39 as specified in this chapter and by regulation: *at all times.*

Page 12 1 (b) As used in this chapter, the term "supervision" means
2 responsibility for, and control of, the quality of *mental health*
3 services being provided by the supervisee. Consultation or peer
4 discussion shall not be considered supervision and shall not qualify
5 as supervised experience.

6 ~~(c) experience.~~ Supervision includes, but is not limited to, all
7 of the following:

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

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

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

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

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

Amendment 34

Amendment 35

Amendments 36 & 37

Amendment 38

Amendment 39

Amendment 40

Amendment 41

Amendment 42

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Page 12 22 (6) Reviewing the supervisee’s progress notes, process notes,
23 and other patient treatment records, as deemed appropriate by the
24 supervisor.
25 (7) With the client’s written consent, providing direct
26 observation or review of audio or video recordings of the
27 supervisee’s counseling or therapy, as deemed appropriate by the
28 supervisor.

30 ~~SEC. 11. Section 4980.43.2 is added to the Business and~~
31 ~~Professions Code, to read:~~

32 ~~4980.43.2. (a) Before applying for licensure with the board,~~
33 ~~all applicants for licensure as a licensed marriage and family~~
34 ~~therapist shall first satisfy the required supervised experience.~~

35 ~~(b) Except as provided in subdivision (c), all applicants shall~~
36 ~~have an active associate registration with the board in order to gain~~
37 ~~postdegree hours of supervised experience.~~

38 ~~(c) Postdegree hours of experience shall be credited toward~~
39 ~~licensure so long as the applicant applies for the associate~~
40 ~~registration and the board receives the application within 90 days~~
Page 13 1 ~~of the granting of the qualifying degree and he or she is thereafter~~
2 ~~granted the associate registration by the board. An applicant shall~~
3 ~~not be employed or volunteer in a private practice until he or she~~
4 ~~has been issued an associate registration by the board.~~

6 ~~SEC. 12.~~

+ ~~SEC. 11. Section 4980.43.3 is added to the Business and~~
7 ~~Professions Code, to read:~~

8 4980.43.3. (a) Except for experience gained by attending
9 workshops, seminars, training sessions, or conferences, as
10 described in paragraph (9) of subdivision (a) of Section 4980.43,
11 supervision shall include at least one hour of direct supervisor
12 contact in each week for which experience is credited in each work
13 setting as follows: *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.*

14 ~~(1)~~

+ (2) A trainee shall receive an average of at least one hour of
15 direct supervisor contact for every five hours of direct clinical
16 counseling that is performed *each week* in each setting. ~~No For~~
+ ~~experience gained on or after January 1, 2009, no more than six~~

Amendment 43

Amendment 44

Amendment 45

Amendments 46, 47 & 48

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Page 13 17 hours of supervision, whether individual or group, shall be credited
18 during any single week.

20 ~~(2)~~

+ (3) An associate gaining experience *who has more than 10 hours*
+ *of direct clinical counseling experience in a week in any setting*
21 *shall receive at least one additional hour of direct supervisor contact*
22 ~~in each week for which more than 10 hours of direct clinical~~
23 ~~counseling is performed in each for that setting. No~~ *For experience*
+ *gained on or after January 1, 2009, no more than six hours of*
24 *supervision, whether individual or group, shall be credited during*
+ *any single week.*

+ (4) *An applicant for licensure shall receive at least one hour*
+ *per week of direct supervisor contact that is individual, triadic, or*
+ *a combination of both for a minimum of 52 weeks.*

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

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

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

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

Page 14 1 (c) Direct supervisor contact shall occur within the same week
2 as the hours claimed.

3 ~~(d) An applicant for licensure shall have received at least one~~
4 ~~hour per week of direct supervisor contact that is individual, triadic,~~
5 ~~or a combination of both, as specified in paragraphs (1) or (2) of~~
6 ~~subdivision (b), for a minimum of 52 weeks.~~

7 ~~(e) When conducting group supervision, as specified in~~
8 ~~paragraph (3) of subdivision (b), the supervisor shall ensure that~~
9 ~~the amount and degree of supervision is appropriate for each~~
10 ~~supervisee.~~

11 ~~(f)~~

+ (d) Notwithstanding subdivision (b), an associate working in a
12 governmental entity, a school, a college, a university, or an
13 institution that is both nonprofit and charitable may obtain the
14 required weekly direct supervisor contact via two-way, real-time

Amendments 49 & 50

Amendment 51

Amendment 52

Amendment 53

Amendment 54

Amendment 55

Amendments 56, 57 & 58
Amendment 59

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Page 14 15 videoconferencing. The supervisor shall be responsible for ensuring
16 compliance with ~~state and federal law~~ *federal and state laws*
17 relating to confidentiality of patient health information.

Amendment 60

18 (g) ~~All experience gained by a trainee or associate shall be~~
19 ~~monitored by the supervisor as specified by this chapter and~~
20 ~~regulation.~~

Amendment 61

21 (h) ~~The six hours of supervision that may be credited during~~
22 ~~any single week, pursuant to paragraphs (1) and (2) of subdivision~~
23 ~~(a), shall apply to supervision hours gained on or after January 1,~~
24 ~~2009.~~

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

Amendment 62

34 ~~SEC. 13:~~

Amendment 63

+ *SEC. 12.* Section 4980.43.4 is added to the Business and
35 Professions Code, to read:

36 4980.43.4. (a) A trainee, associate, or applicant for licensure
37 shall only perform *mental health* services as an employee or as a
+ ~~volunteer.~~ *volunteer, and not as an independent contractor.* The
38 requirements of this chapter regarding ~~gaining~~ hours of experience
39 and supervision shall apply equally to employees and volunteers.

Amendments 64 & 65

Amendment 66

Page 15 40 A trainee, associate, or applicant for licensure shall not perform
1 any services or gain any experience within the scope of practice
2 of the profession, as defined in Section 4980.02, as an independent
3 contractor. *While an associate may be either a paid employee or*
+ *a volunteer, employers are encouraged to provide fair*
+ *remuneration.*

Amendment 67

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

Amendment 68

Amendment 69

Amendment 70

7 (2) If volunteering, an associate shall provide the ~~board~~ *board,*
8 *upon application for licensure,* with a letter from his or her
9 employer verifying the associate's status as a volunteer during the

Amendment 71

Amendment 72

PROPOSED AMENDMENTS

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Page 15 10 dates the experience was gained. ~~This letter shall be provided to
+ the board upon application for licensure.~~

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

+ ~~(1) Is not a private practice.~~

14 ~~(A)~~

+ ~~(2) Lawfully and regularly provides mental health counseling
15 or psychotherapy.~~

16 ~~(B)~~

+ ~~(3) Provides oversight to ensure that the trainee's work at the
17 setting meets the experience and supervision requirements in this
18 chapter and is within the scope of practice for the profession, as
19 defined in Section 4980.02.~~

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

25 ~~(2)~~

+ ~~(4) Only experience gained in the position for which the trainee
26 volunteers or is employed shall qualify as supervised experience.~~

27 (c) ~~(1) An associate may be credited with supervised experience
28 completed in any setting that meets both of the following:~~

29 ~~(A)~~

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

31 ~~(B)~~

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

35 ~~(2) While an associate may be either a paid employee or a
36 volunteer, employers are encouraged to provide fair remuneration.~~

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

Page 16 1 (4) An applicant for registration as an associate shall not be
2 employed or volunteer in a private practice until he or she has been
3 issued an associate registration by the board.

Amendments 73 & 74

Amendment 75
Amendment 76
Amendment 77

Amendment 78

Amendment 79

Amendment 80

Amendment 81

Amendment 82

Amendment 83

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Page 16 4 (d) Any experience obtained under the supervision of a spouse,
5 relative, or domestic partner shall not be credited toward the
6 required hours of supervised experience. Any experience obtained
7 under the supervision of a supervisor with whom the applicant has
8 had or currently has a personal, professional, or business
9 relationship that undermines the authority or effectiveness of the
10 supervision shall not be credited toward the required hours of
11 supervised experience.

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

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

19 (g) A trainee, associate, or applicant for licensure who provides
20 voluntary services in any lawful work setting other than a private
21 practice and who only receives reimbursement for expenses
22 actually incurred shall be considered an ~~employee and not an~~
23 ~~independent contractor.~~ *employee.* The board may audit an
24 applicant for licensure who receives reimbursement for expenses
25 and the applicant for licensure shall have the burden of
26 demonstrating that the payment received was for reimbursement
27 of expenses actually incurred.

28 (h) A trainee, associate, or applicant for licensure who receives
29 a stipend or educational loan repayment from a program designed
30 to encourage demographically underrepresented groups to enter
31 the profession or to improve recruitment and retention in
32 underserved regions or settings shall be considered an ~~employee~~
33 ~~and not an independent contractor.~~ *employee.* The board may audit
34 an applicant who receives a stipend or educational loan repayment
35 and the applicant shall have the burden of demonstrating that the
36 payment received was for the specified purposes.

37 (i) ~~For purposes of paragraph (3) of subdivision (a) of Section~~
38 ~~2990.5, an~~ *An* associate or a trainee ~~working under a licensed~~
39 ~~supervisor, consistent with this chapter,~~ may provide services via
40 telehealth ~~within the scope authorized by this chapter and in~~
Page 17 1 ~~accordance with any regulations governing the use of telehealth~~
2 ~~promulgated by the board: that are in the scope of practice outlined~~
+ ~~in this chapter.~~

Amendment 84

Amendment 85

Amendment 86

Amendment 87
Amendment 88

Amendment 89

Page 17 3 (j) Each educational institution preparing applicants pursuant
 4 to this chapter shall consider requiring, and shall encourage, its
 5 students to undergo individual, marital, conjoint, family, or group
 6 counseling or psychotherapy, as appropriate. Each supervisor shall
 7 consider, advise, and encourage his or her associates and trainees
 8 regarding the advisability of undertaking individual, marital,
 9 conjoint, family, or group counseling or psychotherapy, as
 10 appropriate. Insofar as it is deemed appropriate and is desired by
 11 the applicant, educational institutions and supervisors are
 12 encouraged to assist the applicant ~~in locating~~ *that to locate*
 13 counseling or psychotherapy at a reasonable cost.

Amendment 90

15 ~~SEC. 14:~~

Amendment 91

+ *SEC. 13.* Section 4980.43.6 is added to the Business and
 16 Professions Code, to read:

Amendment 92

17 4980.43.6. The board ~~shall have the right to~~ *may* audit the
 18 records of any supervisor to verify the completion of the supervisor
 19 qualifications specified by this chapter and by regulation. A
 20 supervisor shall maintain records of completion of the required
 21 supervisor qualifications for ~~a period of~~ seven years after
 22 termination of *the* supervision and shall make these records
 23 available to the board for auditing purposes upon request.

Amendment 93

Amendment 94

25 ~~SEC. 15:~~

Amendment 95

+ *SEC. 14.* Section 4980.44 of the Business and Professions Code
 26 is amended to read:

Amendment 96

27 4980.44. An ~~unlicensed~~ associate marriage and family therapist
 28 employed under this chapter shall comply with the following
 29 requirements:

Amendment 97

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

32 ~~(b) Register with the board prior to performing any duties,~~
 33 ~~except as otherwise provided in subdivision (c) of Section~~
 34 ~~4980.43.2.~~

Amendment 98

35 ~~(c) Prior~~

+ *(a) Inform each client or patient prior to performing any*
 36 ~~professional services, inform each client or patient *mental health*~~
 + *services* that he or she is an unlicensed registered associate
 37 marriage and family therapist, provide his or her registration
 38 number and the name of his or her employer, and indicate whether
 39 he or she is under the supervision of a licensed marriage and family
 40 therapist, licensed clinical social worker, licensed professional

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Page 18 1 clinical counselor, licensed psychologist, or a licensed physician
2 and surgeon certified in psychiatry by the American Board of
3 Psychiatry and Neurology.

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

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

9 (B) The associate's registration number.

10 (C) The name of his or her employer.

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

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

16 ~~SEC. 16:~~

+ *SEC. 15.* Section 4980.45 of the Business and Professions Code
17 is amended and renumbered to read:

18 4980.43.5. (a) A trainee, associate, or applicant for licensure
19 shall only perform *mental health* services at the place where his
20 or her employer regularly conducts business and services, which
21 may include performing services at other locations as long as the
22 services are performed under the direction and control of his or
23 her employer and his or her supervisor and in compliance with the
24 laws and regulations pertaining to supervision: *services.*

25 (b) Except for periods of time during a supervisor's vacation or
26 sick leave, an *An* associate who is employed or volunteering in a
27 corporation or a private practice shall be under the direct
28 supervision of a supervisor *supervised by an individual* who is
+ either employed by, *either:*

29 (1) *Employed by,* and practices at the same site as, the associate's
30 employer or is an owner or shareholder of the private practice.

+ (2) *Employed full time by the marriage and family therapy*
+ *corporation and is actively engaged in performing professional*
+ *services at and for the marriage and family therapy corporation.*

31 (c) ~~A licensed professional in private practice who has satisfied~~
32 ~~the requirements of subdivision (g) of Section 4980.03 may~~
33 ~~supervise or employ, supervisor at a private practice or a~~
+ ~~corporation may supervise~~ at any one time, no more than a total
34 of three individuals registered as an associate marriage and family

Amendment 100

Amendment 101

Amendment 102

Amendment 103

Amendment 104

Amendment 105

Amendment 106

Amendment 107

Amendment 108

Amendment 109

Amendment 110

Amendment 111

Page 18 35 therapist, an associate professional clinical counselor, or an
36 associate clinical social worker in that private practice. *supervisees.*
+ *Supervisees may be an associate marriage and family therapist,*
+ *an associate professional clinical counselor, or an associate*
+ *clinical social worker.*

37 (d) All of the following limits shall apply to marriage and family
38 therapy corporations:

Amendment 112

39 (1) A marriage and family therapy corporation may retain, at
40 any one time, no more than a total of three employees, volunteers,
Page 19 1 or a combination of employees and volunteers, registered as an
2 associate marriage and family therapist, an associate professional
3 clinical counselor, or an associate clinical social worker for each
4 supervising employee or shareholder who has satisfied the
5 requirements of subdivision (g) of Section 4980.03.

7 (2) In no event shall any marriage and family therapy
8 corporation retain, at any one time, more than a total of 15
9 employees, volunteers, or a combination of employees and
10 volunteers, registered as an associate marriage and family therapist,
11 an associate professional clinical counselor, or an associate clinical
12 social worker.

13 (3) In no event shall any supervisor supervise, at any one time,
14 more than a total of three employees, volunteers, or a combination
15 of employees and volunteers, registered as either an associate
16 marriage and family therapist, an associate professional clinical
17 counselor, or an associate clinical social worker. A person who
18 supervises an employee or volunteer registered as either an
19 associate marriage and family therapist, an associate professional
20 clinical counselor, or an associate clinical social worker shall be
21 employed full time by the marriage and family therapy corporation
22 and shall be actively engaged in performing professional services
23 at and for the marriage and family therapy corporation.

25 (4) Employment and supervision within a marriage and family
26 therapy corporation shall be subject to all laws and regulations
27 governing experience and supervision gained in a private practice
28 setting.

+ (1) *In no event shall a private practice retain, at any one time,*
+ *more than three supervisees.*

+ (2) *In no event shall any marriage and family therapy*
+ *corporation retain more than 15 supervisees at any one time.*

29 (e)

Amendments 113 & 114

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Page 19 30 + (d) In a setting that is not a private practice, a written practice:
31 (1) A written oversight agreement, as specified by regulation,
32 shall be executed between the supervisor and employer when the
+ supervisor is not employed by the supervisee’s employer or is a
+ volunteer.

33 (f) In any setting that is not a private practice, a supervisor
34 (2) A supervisor shall evaluate the site or sites where a trainee
35 or associate will be gaining hours of experience toward licensure
36 and shall determine both of the following: to determine that the
+ site or sites comply with the requirements set forth in this chapter.

37 (1) That the site or sites provide experience that is within the
38 scope of practice of a marriage and family therapist.

39 (2) That the experience is in compliance with the requirements
40 set forth in this chapter and regulation.

Page 20 1 (g)

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

4 SEC. 17.

+ SEC. 16. Section 4980.50 of the Business and Professions Code
5 is amended to read:

6 4980.50. Effective January 1, 2016, the following shall apply:

7 (a) Every

+ 4980.50. (a) Every applicant who meets the educational and
8 experience requirements and applies for a license as a marriage
9 and family therapist shall be examined by the board. The
10 examinations shall be as set forth in subdivision (d) of Section
11 4980.40. The examinations shall be given at least twice a year at
12 a time and place and under supervision as the board may determine.
13 The board shall examine the candidate with regard to his or her
14 knowledge and professional skills and his or her judgment in the
15 utilization of appropriate techniques and methods.

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

22 (c) The board shall not deny any applicant, whose application
23 for licensure is complete, admission to the clinical examination,

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Amendment 119

Amendment 120

Amendment 121

Page 20 24 nor shall the board postpone or delay any applicant’s clinical
25 examination or delay informing the candidate of the results of the
26 clinical examination, solely upon the receipt by the board of a
27 complaint alleging acts or conduct that would constitute grounds
28 to deny licensure.

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

37 (e) Notwithstanding Section 135, the board may deny any
38 applicant who has previously failed either the California law and
39 ethics examination or the clinical examination permission to retake
40 either examination pending completion of the investigation of any
Page 21 1 complaints against the applicant. Nothing in this section shall
2 prohibit the board from denying an applicant admission to any
3 examination, withholding the results, or refusing to issue a license
4 to any applicant when an accusation or statement of issues has
5 been filed against the applicant pursuant to Sections 11503 and
6 11504 of the Government Code, respectively, or the applicant has
7 been denied in accordance with subdivision (b) of Section 485.

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

11 (g) ~~Effective January 1, 2016, an~~ An applicant for licensure shall
12 not be eligible to participate in the clinical examination if he or
13 she fails to obtain a passing score on the clinical examination
14 within seven years from his or her initial attempt, unless he or she
15 takes and obtains a passing score on the current version of the
16 California law and ethics examination.

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

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

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

| Amendment 123

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Amendment 124**

Page 21 25 ~~SEC. 18.~~
+ 26 *SEC. 17.* Section 4980.78 of the Business and Professions Code
is amended to read:
27 4980.78. (a) This section applies to persons who apply for
28 licensure or registration ~~on or after January 1, 2016,~~ and who do
29 not hold a license as described in Section 4980.72.
30 (b) For purposes of Section 4980.74, education is substantially
31 equivalent if all of the following requirements are met:
32 (1) The degree is obtained from a school, college, or university
33 accredited by a regional or national institutional accrediting agency
34 that is recognized by the United States Department of Education
35 and consists of, at a minimum, the following:
36 (A) (i) For an applicant who obtained his or her degree within
37 the timeline prescribed by subdivision (a) of Section 4980.36, the
38 degree shall contain no less than 60 semester or 90 quarter units
39 of instruction.
Page 22 1 (ii) Up to 12 semester or 18 quarter units of instruction may be
2 remediated, if missing from the degree. The remediation may occur
3 while the applicant is registered as an associate.
4 (B) For an applicant who obtained his or her degree within the
5 timeline prescribed by subdivision (a) of Section 4980.37, the
6 degree shall contain no less than 48 semester units or 72 quarter
7 units of instruction.
8 (C) Six semester or nine quarter units of practicum, including,
9 but not limited to, a minimum of 150 hours of face-to-face
10 experience counseling individuals, couples, families, or groups,
11 and an additional 75 hours of either face-to-face experience
12 counseling individuals, couples, families, or groups or client
13 centered advocacy, or a combination of face-to-face experience
14 counseling individuals, couples, families, or groups and client
15 centered advocacy.
16 (D) Twelve semester or 18 quarter units in the areas of marriage,
17 family, and child counseling and marital and family systems
18 approaches to treatment, as specified in subparagraph (A) of
19 paragraph (1) of subdivision (d) of Section 4980.36.
20 (2) The applicant shall complete coursework in California law
21 and ethics as follows:
22 (A) An applicant who completed a course in law and
23 professional ethics for marriage and family therapists as specified
24 in paragraph (8) of subdivision (a) of Section 4980.81, that did not

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Page 22 25 contain instruction in California law and ethics, shall complete an
 26 18-hour course in California law and professional ethics. The
 27 content of the course shall include, but not be limited to,
 28 advertising, scope of practice, scope of competence, treatment of
 29 minors, confidentiality, dangerous patients, psychotherapist-patient
 30 privilege, recordkeeping, patient access to records, state and federal
 31 laws relating to confidentiality of patient health information, dual
 32 relationships, child abuse, elder and dependent adult abuse, online
 33 therapy, insurance reimbursement, civil liability, disciplinary
 34 actions and unprofessional conduct, ethics complaints and ethical
 35 standards, termination of therapy, standards of care, relevant family
 36 law, therapist disclosures to patients, differences in legal and ethical
 37 standards in different types of work settings, and licensing law
 38 and licensing process. This coursework shall be completed prior
 39 to registration as an associate.

Page 23 1 (B) An applicant who has not completed a course in law and
 2 professional ethics for marriage and family therapists as specified
 3 in paragraph (8) of subdivision (a) of Section 4980.81 shall
 4 complete this required coursework. The coursework shall contain
 5 content specific to California law and ethics. This coursework shall
 6 be completed prior to registration as an associate.

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

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

22 (A) At least three semester units, or 45 hours, of instruction
 23 regarding the principles of mental health recovery-oriented care
 24 and methods of service delivery in recovery-oriented practice
 25 environments, including structured meetings with various

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Page 23 26 consumers and family members of consumers of mental health
27 services to enhance understanding of their experience of mental
28 illness, treatment, and recovery.

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

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

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

39 ~~SEC. 19.~~

+ SEC. 18. Section 4980.79 of the Business and Professions Code
40 is amended to read:

Page 24 1 4980.79. (a) This section applies to persons who apply for
2 licensure or registration on or after January 1, 2016, and who hold
3 a license as described in Section 4980.72.

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

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

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

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

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

21 (C) Six semester or nine quarter units of practicum, including,
22 but not limited to, a minimum of 150 hours of face-to-face
23 experience counseling individuals, couples, families, or groups,
24 and an additional 75 hours of either face-to-face experience
25 counseling individuals, couples, families, or groups or client

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Page 24 26 centered advocacy, or a combination of face-to-face experience
27 counseling individuals, couples, families, or groups and client
28 centered advocacy.

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

32 (ii) An out-of-state applicant who has been licensed for less
33 than two years in clinical practice, as verified by the board, who
34 does not meet the practicum requirement, shall remediate it by
35 obtaining 150 hours of face-to-face experience counseling
36 individuals, couples, families, or groups, and an additional 75
37 hours of either face-to-face experience counseling individuals,
38 couples, families, or groups or client centered advocacy, or a
39 combination of face-to-face experience counseling individuals,
40 couples, families, or groups and client centered advocacy. These

Page 25 1 hours are in addition to the 3,000 hours of experience required by
2 this chapter, and shall be gained while registered as an associate.

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

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

9 (A) An applicant who completed a course in law and
10 professional ethics for marriage and family therapists as specified
11 in paragraph (8) of subdivision (a) of Section 4980.81 that did not
12 include instruction in California law and ethics, shall complete an
13 18-hour course in California law and professional ethics. The
14 content of the course shall include, but not be limited to,
15 advertising, scope of practice, scope of competence, treatment of
16 minors, confidentiality, dangerous patients, psychotherapist-patient
17 privilege, recordkeeping, patient access to records, state and federal
18 laws relating to confidentiality of patient health information, dual
19 relationships, child abuse, elder and dependent adult abuse, online
20 therapy, insurance reimbursement, civil liability, disciplinary
21 actions and unprofessional conduct, ethics complaints and ethical
22 standards, termination of therapy, standards of care, relevant family
23 law, therapist disclosures to patients, differences in legal and ethical
24 standards in different types of work settings, and licensing law

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Page 25 25 and licensing process. This coursework shall be completed prior
26 to registration as an associate.

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

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

Page 26 1 (4) The applicant completes the following coursework not
2 already completed in his or her education from an accredited
3 school, college, or university as specified in paragraph (1) above,
4 from an educational institution approved by the Bureau for Private
5 Postsecondary Education, or from a continuing education provider
6 that is acceptable to the board as defined in Section 4980.54.
7 Undergraduate coursework shall not satisfy this requirement.

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

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

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

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

Page 26 25 ~~SEC. 20.~~
+ SEC. 19. Section 4982 of the Business and Professions Code
26 is amended to read:
27 4982. The board may deny a license or registration or may
28 suspend or revoke the license or registration of a licensee or
29 registrant if he or she has been guilty of unprofessional conduct.
30 Unprofessional conduct includes, but is not limited to, the
31 following:

32 (a) The conviction of a crime substantially related to the
33 qualifications, functions, or duties of a licensee or registrant under
34 this chapter. The record of conviction shall be conclusive evidence
35 only of the fact that the conviction occurred. The board may inquire
36 into the circumstances surrounding the commission of the crime
37 in order to fix the degree of discipline or to determine if the
38 conviction is substantially related to the qualifications, functions,
39 or duties of a licensee or registrant under this chapter. A plea or
40 verdict of guilty or a conviction following a plea of nolo contendere
Page 27 1 made to a charge substantially related to the qualifications,
2 functions, or duties of a licensee or registrant under this chapter
3 shall be deemed to be a conviction within the meaning of this
4 section. The board may order any license or registration suspended
5 or revoked, or may decline to issue a license or registration when
6 the time for appeal has elapsed, or the judgment of conviction has
7 been affirmed on appeal, or, when an order granting probation is
8 made suspending the imposition of sentence, irrespective of a
9 subsequent order under Section 1203.4 of the Penal Code allowing
10 the person to withdraw a plea of guilty and enter a plea of not
11 guilty, or setting aside the verdict of guilty, or dismissing the
12 accusation, information, or indictment.

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

18 (c) Administering to himself or herself any controlled substance
19 or using of any of the dangerous drugs specified in Section 4022,
20 or of any alcoholic beverage to the extent, or in a manner, as to be
21 dangerous or injurious to the person applying for a registration or
22 license or holding a registration or license under this chapter, or
23 to any other person, or to the public, or, to the extent that the use

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Page 27 24 impairs the ability of the person applying for or holding a
25 registration or license to conduct with safety to the public the
26 practice authorized by the registration or license. The board shall
27 deny an application for a registration or license or revoke the
28 license or registration of any person, other than one who is licensed
29 as a physician and surgeon, who uses or offers to use drugs in the
30 course of performing marriage and family therapy services.

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

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

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

Page 28 1 (g) Impersonation of another by any licensee, registrant, or
2 applicant for a license or registration, or, in the case of a licensee,
3 allowing any other person to use his or her license or registration.

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

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

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

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

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

Amendment 129

Page 28 24 (m) Failure to maintain confidentiality, except as otherwise
25 required or permitted by law, of all information that has been
26 received from a client in confidence during the course of treatment
27 and all information about the client that is obtained from tests or
28 other means.

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

33 (o) Paying, accepting, or soliciting any consideration,
34 compensation, or remuneration, whether monetary or otherwise,
35 for the referral of professional clients. All consideration,
36 compensation, or remuneration shall be in relation to professional
37 counseling services actually provided by the licensee. Nothing in
38 this subdivision shall prevent collaboration among two or more
39 licensees in a case or cases. However, no fee shall be charged for

Page 29 1 that collaboration, except when disclosure of the fee has been made
2 in compliance with subdivision (n).

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

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

10 (r) Any conduct in the supervision of any registered associate,
11 trainee, or applicant *for licensure* by any licensee that violates
12 this chapter or any rules or regulations adopted by the board.

Amendment 130

14 (s) Performing or holding oneself out as being able to perform
15 professional *mental health* services beyond the scope of one's
16 competence, as established by one's education, training, or
17 experience. This subdivision shall not be construed to expand the
18 scope of the license authorized by this chapter.

Amendment 131

19 (t) Permitting a trainee, registered associate, or applicant *for*
20 *licensure* under one's supervision or control to perform, or
21 permitting the trainee, registered associate, or applicant *for*
22 *licensure* to hold himself or herself out as competent to perform,
23 professional *mental health* services beyond the trainee's, registered
24 associate's, or ~~applicant's~~ *applicant for licensure's* level of
25 education, training, or experience.

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Page 29 26 (u) The violation of any statute or regulation governing the
 27 gaining and supervision of experience required by this chapter.
 28 (v) Failure to keep records consistent with sound clinical
 29 judgment, the standards of the profession, and the nature of the
 30 services being rendered.
 31 (w) Failure to comply with the child abuse reporting
 32 requirements of Section 11166 of the Penal Code.
 33 (x) Failure to comply with the elder and dependent adult abuse
 34 reporting requirements of Section 15630 of the Welfare and
 35 Institutions Code.
 36 (y) Willful violation of Chapter 1 (commencing with Section
 37 123100) of Part 1 of Division 106 of the Health and Safety Code.
 38 (z) Failure to comply with Section 2290.5.
 39 (aa) (1) Engaging in an act described in Section 261, 286, 288a,
 40 or 289 of the Penal Code with a minor or an act described in
 Page 30 1 Section 288 or 288.5 of the Penal Code regardless of whether the
 2 act occurred prior to or after the time the registration or license
 3 was issued by the board. An act described in this subdivision
 4 occurring prior to the effective date of this subdivision shall
 5 constitute unprofessional conduct and shall subject the licensee to
 6 refusal, suspension, or revocation of a license under this section.
 7 (2) The Legislature hereby finds and declares that protection of
 8 the public, and in particular minors, from sexual misconduct by a
 9 licensee is a compelling governmental interest, and that the ability
 10 to suspend or revoke a license for sexual conduct with a minor
 11 occurring prior to the effective date of this section is equally
 12 important to protecting the public as is the ability to refuse a license
 13 for sexual conduct with a minor occurring prior to the effective
 14 date of this section.
 15 (ab) Engaging in any conduct that subverts or attempts to subvert
 16 any licensing examination or the administration of an examination
 17 as described in Section 123.
 19 ~~SEC. 21.~~
 + *SEC. 20.* Section 4982.15 of the Business and Professions Code
 20 is amended to read:
 21 4982.15. (a) The board may place a license or registration on
 22 probation under the following circumstances:
 23 (1) In lieu of, or in addition to, any order of the board suspending
 24 or revoking the license or registration of any licensee or associate.

Amendment 136

Page 30 25 (2) Upon the issuance of a license to an individual who has been
26 guilty of unprofessional conduct, but who had otherwise completed
27 all education and training and experience required for licensure.

28 (3) As a condition upon the reissuance or reinstatement of any
29 license that has been suspended or revoked by the board.

30 (b) The board may adopt regulations establishing a monitoring
31 program to ensure compliance with any terms or conditions of
32 probation imposed by the board pursuant to subdivision (a). The
33 cost of probation or monitoring may be ordered to be paid by the
34 licensee, registrant, or applicant.

35 (c) The board, in its discretion, may require any licensee or
36 registrant who has been placed on probation, or whose license or
37 registration has been suspended, to obtain additional professional
38 training, and to pass an examination upon completion of that
39 training, and to pay any necessary examination fee. The

Page 31 1 examination may be written, oral, or a practical or clinical
2 examination.

4 ~~SEC. 22.~~
+ *SEC. 21.* Section 4984.01 of the Business and Professions Code
5 is amended to read:

6 4984.01. (a) The associate marriage and family therapist
7 registration shall expire one year from the last day of the month
8 in which it was issued.

9 (b) To renew the registration, the registrant shall, on or before
10 the expiration date of the registration, complete all of the following
11 actions:

12 (1) Apply for renewal on a form prescribed by the board.

13 (2) Pay a renewal fee prescribed by the board.

14 (3) Participate in the California law and ethics examination
15 pursuant to Section 4980.399 each year until successful completion
16 of this examination.

17 (4) Notify the board whether he or she has been convicted, as
18 defined in Section 490, of a misdemeanor or felony, and whether
19 any disciplinary action has been taken against him or her by a
20 regulatory or licensing board in this or any other state subsequent
21 to the last renewal of the registration.

22 (c) The registration may be renewed a maximum of five times.
23 No registration shall be renewed or reinstated beyond six years
24 from the last day of the month during which it was issued,
25 regardless of whether it has been revoked. When no further

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Page 31 26 renewals are possible, an applicant may apply for and obtain a
27 subsequent associate registration number if the applicant meets
28 the educational requirements for registration in effect at the time
29 of the application for a subsequent associate registration number
30 and has passed the California law and ethics examination described
31 in Section 4980.399. An applicant who is issued a subsequent
32 associate registration number pursuant to this subdivision shall
33 not be employed or volunteer in a private practice.

34 ~~(d) This section shall become operative on January 1, 2016.~~
36 ~~SEC. 23:~~

+ SEC. 22. Section 4984.7 of the Business and Professions Code
37 is amended to read:

38 4984.7. (a) The board shall assess the following fees relating
39 to the licensure of marriage and family therapists:

Page 32 1 (1) The application fee for an associate registration shall be
2 seventy-five dollars (\$75).

3 (2) The renewal fee for an associate registration shall be
4 seventy-five dollars (\$75).

5 (3) The fee for the application for examination eligibility shall
6 be one hundred dollars (\$100).

7 (4) The fee for the clinical examination shall be one hundred
8 dollars (\$100). The fee for the California law and ethics
9 examination shall be one hundred dollars (\$100).

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fee.

13 (B) The amount of the examination fees shall be based on the
14 actual cost to the board of developing, purchasing, and grading
15 each examination and the actual cost to the board of administering
16 each examination. The examination fees shall be adjusted
17 periodically by regulation to reflect the actual costs incurred by
18 the board.

19 (5) The fee for rescoring an examination shall be twenty dollars
20 (\$20).

21 (6) The fee for issuance of an initial license shall be a maximum
22 of one hundred eighty dollars (\$180).

23 (7) The fee for license renewal shall be a maximum of one
24 hundred eighty dollars (\$180).

25 (8) The fee for inactive license renewal shall be a maximum of
26 ninety dollars (\$90).

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Page 32 27 (9) The renewal delinquency fee shall be a maximum of ninety
28 dollars (\$90). A person who permits his or her license to expire is
29 subject to the delinquency fee.

30 (10) The fee for issuance of a replacement registration, license,
31 or certificate shall be twenty dollars (\$20).

32 (11) The fee for issuance of a certificate or letter of good
33 standing shall be twenty-five dollars (\$25).

34 (12) The fee for issuance of a retired license shall be forty dollars
35 (\$40).

36 (b) With regard to license, examination, and other fees, the
37 board shall establish fee amounts at or below the maximum
38 amounts specified in this chapter.

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

Page 33 1 ~~SEC. 24:~~

+ SEC. 23. Section 4992.05 of the Business and Professions Code
2 is amended to read:

3 4992.05. (a) ~~Effective January 1, 2016,~~ a registrant or an
4 applicant for licensure as a clinical social worker shall pass the
5 following two examinations as prescribed by the board:

6 (1) A California law and ethics examination.

7 (2) A clinical examination.

8 (b) Upon registration with the board, an associate clinical social
9 worker registrant shall, within the first year of registration, take
10 an examination on California law and ethics.

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

14 (1) Completion of all education requirements.

15 (2) Passage of the California law and ethics examination.

16 (3) Completion of all required supervised work experience.

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

18 ~~SEC. 25:~~

+ SEC. 24. Section 4992.09 of the Business and Professions Code
19 is amended to read:

20 4992.09. (a) Except as provided in subdivision (a) of Section
21 4992.07, an applicant and registrant shall obtain a passing score
22 on a board-administered California law and ethics examination in
23 order to qualify for licensure.

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

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Amendment 143

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Page 33 27 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~
28 ~~registration eligible for renewal, with an expiration date no later~~
29 ~~than June 30, 2016, and who applies for renewal of that registration~~
30 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
31 ~~allowed to renew the registration without first participating in the~~
32 ~~California law and ethics examination. These applicants shall~~
33 ~~participate in the California law and ethics examination in the next~~
34 ~~renewal cycle, and shall pass the examination prior to licensure or~~
35 ~~issuance of a subsequent registration number, as specified in this~~
36 ~~section.~~

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

Page 34 1 (e)
+ (d) If a registrant fails to obtain a passing score on the California
2 law and ethics examination described in subdivision (a) within his
3 or her renewal period on or after the operative date of this section,
4 he or she shall complete, at a minimum, a 12-hour course in
5 California law and ethics in order to be eligible to participate in
6 the California law and ethics examination. Registrants shall only
7 take the 12-hour California law and ethics course once during a
8 renewal period. The 12-hour law and ethics course required by
9 this section shall be taken through a continuing education provider,
10 as specified by the board by regulation, a county, state or
11 governmental entity, or a college or university.

12 (f)
13 (e) The board shall not issue a subsequent registration number
14 unless the applicant has passed the California law and ethics
+ examination.

15 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~
16 ~~has held a registration, with an expiration date no later than January~~
17 ~~1, 2017, and who applies for a subsequent registration number~~
18 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~
19 ~~be allowed to obtain the subsequent registration number without~~
20 ~~first passing the California law and ethics examination. These~~
21 ~~applicants shall pass the California law and ethics examination~~
22 ~~during the next renewal period or prior to licensure, whichever~~
23 ~~occurs first.~~

**Amendment 145
Amendment 146**

Amendment 147

Amendment 148

Amendment 149

Page 34 24 ~~(h) This section shall become operative on January 1, 2016.~~
 26 SEC. 26.
 + 27 SEC. 25. Section 4992.3 of the Business and Professions Code
 is amended to read:
 28 4992.3. The board may deny a license or a registration, or may
 29 suspend or revoke the license or registration of a licensee or
 30 registrant if he or she has been guilty of unprofessional conduct.
 31 Unprofessional conduct includes, but is not limited to, the
 32 following:
 33 (a) The conviction of a crime substantially related to the
 34 qualifications, functions, or duties of a licensee or registrant under
 35 this chapter. The record of conviction shall be conclusive evidence
 36 only of the fact that the conviction occurred. The board may inquire
 37 into the circumstances surrounding the commission of the crime
 38 in order to fix the degree of discipline or to determine if the
 39 conviction is substantially related to the qualifications, functions,
 40 or duties of a licensee or registrant under this chapter. A plea or
 Page 35 1 verdict of guilty or a conviction following a plea of nolo contendere
 2 made to a charge substantially related to the qualifications,
 3 functions, or duties of a licensee or registrant under this chapter
 4 is a conviction within the meaning of this section. The board may
 5 order any license or registration suspended or revoked, or may
 6 decline to issue a license or registration when the time for appeal
 7 has elapsed, or the judgment of conviction has been affirmed on
 8 appeal, or, when an order granting probation is made suspending
 9 the imposition of sentence, irrespective of a subsequent order under
 10 Section 1203.4 of the Penal Code allowing the person to withdraw
 11 a plea of guilty and enter a plea of not guilty, or setting aside the
 12 verdict of guilty, or dismissing the accusation, information, or
 13 indictment.
 14 (b) Securing a license or registration by fraud, deceit, or
 15 misrepresentation on any application for licensure or registration
 16 submitted to the board, whether engaged in by an applicant for a
 17 license or registration, or by a licensee in support of any application
 18 for licensure or registration.
 19 (c) Administering to himself or herself any controlled substance
 20 or using any of the dangerous drugs specified in Section 4022 or
 21 any alcoholic beverage to the extent, or in a manner, as to be
 22 dangerous or injurious to the person applying for a registration or
 23 license or holding a registration or license under this chapter, or

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Page 35 24 to any other person, or to the public, or, to the extent that the use
25 impairs the ability of the person applying for or holding a
26 registration or license to conduct with safety to the public the
27 practice authorized by the registration or license. The board shall
28 deny an application for a registration or license or revoke the
29 license or registration of any person who uses or offers to use drugs
30 in the course of performing clinical social work. This provision
31 does not apply to any person also licensed as a physician and
32 surgeon under Chapter 5 (commencing with Section 2000) or the
33 Osteopathic Act who lawfully prescribes drugs to a patient under
34 his or her care.

35 (d) Incompetence in the performance of clinical social work.

36 (e) An act or omission that falls sufficiently below the standard
37 of conduct of the profession as to constitute an act of gross
38 negligence.

39 (f) Violating, attempting to violate, or conspiring to violate this
40 chapter or any regulation adopted by the board.

Page 36 1 (g) Misrepresentation as to the type or status of a license or
2 registration held by the person, or otherwise misrepresenting or
3 permitting misrepresentation of his or her education, professional
4 qualifications, or professional affiliations to any person or entity.
5 For purposes of this subdivision, this misrepresentation includes,
6 but is not limited to, misrepresentation of the person's
7 qualifications as an adoption service provider pursuant to Section
8 8502 of the Family Code.

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

12 (i) Aiding or ~~abetting~~ *abetting*, or employing, directly or
13 indirectly, any unlicensed or unregistered person to engage in
14 conduct for which a license or registration is required under this
+ chapter.

15 (j) Intentionally or recklessly causing physical or emotional
16 harm to any client.

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

20 (l) Engaging in sexual relations with a client or with a former
21 client within two years from the termination date of therapy with
22 the client, soliciting sexual relations with a client, or committing

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Page 36 23 an act of sexual abuse, or sexual misconduct with a client, or
24 committing an act punishable as a sexually related crime, if that
25 act or solicitation is substantially related to the qualifications,
26 functions, or duties of a clinical social worker.

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

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

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

Page 37 1 (p) Paying, accepting, or soliciting any consideration,
2 compensation, or remuneration, whether monetary or otherwise,
3 for the referral of professional clients. All consideration,
4 compensation, or remuneration shall be in relation to professional
5 counseling services actually provided by the licensee. Nothing in
6 this subdivision shall prevent collaboration among two or more
7 licensees in a case or cases. However, no fee shall be charged for
8 that collaboration, except when disclosure of the fee has been made
9 in compliance with subdivision (o).

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

12 (r) Reproduction or description in public, or in any publication
13 subject to general public distribution, of any psychological test or
14 other assessment device, the value of which depends in whole or
15 in part on the naivete of the subject, in ways that might invalidate
16 the test or device. A licensee shall limit access to that test or device
17 to persons with professional interest who are expected to safeguard
18 its use.

19 (s) Any conduct in the supervision of any registered-~~asseeiate~~
20 ~~elinical social worker, associate, or trainee by any licensee~~
+ *associate, trainee, or applicant for licensure by any licensee* that

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Page 37 21 violates this chapter or any rules or regulations adopted by the
22 board.

23 (t) Performing or holding oneself out as being able to perform
24 ~~professional mental health~~ services beyond the scope of one's
25 competence, as established by one's education, training, or
26 experience. This subdivision shall not be construed to expand the
27 scope of the license authorized by this chapter.

Amendment 154

28 (u) Permitting an applicant for licensure, trainee, or registrant
29 under one's supervision or control to perform, or permitting the
30 supervisee to hold himself or herself out as competent to perform,
31 ~~professional mental health~~ services beyond the supervisee's level
32 of education, training, or experience.

Amendment 155

33 (v) The violation of any law ~~or regulation~~ governing the gaining
34 or supervision of experience required by this chapter.

Amendment 156

35 (w) Failure to keep records consistent with sound clinical
36 judgment, the standards of the profession, and the nature of the
37 services being rendered.

38 (x) Failure to comply with the child abuse reporting
39 requirements of Section 11166 of the Penal Code.

Page 38 1 (y) Failure to comply with the elder and dependent adult abuse
2 reporting requirements of Section 15630 of the Welfare and
3 Institutions Code.

4 (z) Willful violation of Chapter 1 (commencing with Section
5 123100) of Part 1 of Division 106 of the Health and Safety Code.

6 (aa) Failure to comply with Section 2290.5.

7 (ab) (1) Engaging in an act described in Section 261, 286, 288a,
8 or 289 of the Penal Code with a minor or an act described in
9 Section 288 or 288.5 of the Penal Code regardless of whether the
10 act occurred prior to or after the time the registration or license
11 was issued by the board. An act described in this subdivision
12 occurring prior to the effective date of this subdivision shall
13 constitute unprofessional conduct and shall subject the licensee to
14 refusal, suspension, or revocation of a license under this section.

15 (2) The Legislature hereby finds and declares that protection of
16 the public, and in particular minors, from sexual misconduct by a
17 licensee is a compelling governmental interest, and that the ability
18 to suspend or revoke a license for sexual conduct with a minor
19 occurring prior to the effective date of this section is equally
20 important to protecting the public as is the ability to refuse a license

Page 38 21 for sexual conduct with a minor occurring prior to the effective
22 date of this section.

23 (ac) Engaging in any conduct that subverts or attempts to subvert
24 any licensing examination or the administration of the examination
25 as described in Section 123.

27 ~~SEC. 27:~~

+ 28 ~~SEC. 26.~~ Section 4996.17 of the Business and Professions Code
is amended to read:

29 4996.17. (a) (1) Experience gained outside of California shall
30 be accepted toward the licensure requirements if it is substantially
31 the equivalent of the requirements of this chapter.

32 (2) ~~Commencing January 1, 2014, an~~ An applicant with
33 education gained outside of California shall complete an 18-hour
34 course in California law and professional ethics. The content of
35 the course shall include, but not be limited to, the following:
36 advertising, scope of practice, scope of competence, treatment of
37 minors, confidentiality, dangerous patients, psychotherapist-patient
38 privilege, recordkeeping, patient access to records, state and federal
39 laws related to confidentiality of patient health information, dual
40 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.

Page 39 7 (b) The board may issue a license to any person who, at the time
8 of application, holds a valid active clinical social work license
9 issued by a board of clinical social work examiners or
10 corresponding authority of any state, if the person passes, or has
11 passed, the licensing examinations as specified in Section 4996.1
12 and pays the required fees. Issuance of the license is conditioned
13 upon all of the following:

14 (1) The applicant has supervised experience that is substantially
15 the equivalent of that required by this chapter. If the applicant has
16 less than 3,000 hours of qualifying supervised experience, time
17 actively licensed as a clinical social worker shall be accepted at a
18 rate of 100 hours per month up to a maximum of 1,200 hours.

19 (2) Completion of the following coursework or training in or
20 out of this state:

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Page 39 21 (A) A minimum of seven contact hours of training or coursework
22 in child abuse assessment and reporting as specified in Section 28,
23 and any regulations promulgated thereunder.

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

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

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

33 (3) ~~Commencing January 1, 2014, completion~~ *Completion* of
34 an 18-hour course in California law and professional ethics. The
35 content of the course shall include, but not be limited to, the
36 following: advertising, scope of practice, scope of competence,
37 treatment of minors, confidentiality, dangerous patients,
38 psychotherapist-patient privilege, recordkeeping, patient access
39 to records, state and federal laws related to confidentiality of patient
40 health information, dual relationships, child abuse, elder and
1 dependent adult abuse, online therapy, insurance reimbursement,
2 civil liability, disciplinary actions and unprofessional conduct,
3 ethics complaints and ethical standards, termination of therapy,
4 standards of care, relevant family law, therapist disclosures to
5 patients, differences in legal and ethical standards in different types
6 of work settings, and licensing law and process.

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7 (4) The applicant's license is not suspended, revoked, restricted,
8 sanctioned, or voluntarily surrendered in any state.

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

Amendment 159

Page 40 19 (6) The applicant shall provide a certification from each state
20 where he or she holds a license pertaining to licensure, disciplinary
21 action, and complaints pending.

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

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

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

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

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

Page 41 1 (C) A minimum of 15 contact hours of training or coursework
2 in alcoholism and other chemical substance dependency, as
3 specified by regulation.

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

7 (2) ~~Commencing January 1, 2014, completion~~ Completion of
8 an 18-hour course in California law and professional ethics. The
9 content of the course shall include, but not be limited to, the
10 following: advertising, scope of practice, scope of competence,
11 treatment of minors, confidentiality, dangerous patients,
12 psychotherapist-patient privilege, recordkeeping, patient access
13 to records, state and federal laws related to confidentiality of patient
14 health information, dual relationships, child abuse, elder and
15 dependent adult abuse, online therapy, insurance reimbursement,
16 civil liability, disciplinary actions and unprofessional conduct,
17 ethics complaints and ethical standards, termination of therapy,
18 standards of care, relevant family law, therapist disclosures to

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Page 41 19 patients, differences in legal and ethical standards in different types
20 of work settings, and licensing law and process.

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

24 (4) The applicant’s license is not suspended, revoked, restricted,
25 sanctioned, or voluntarily surrendered in any state.

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

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

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

Page 42 1 (d) ~~Commencing January 1, 2016, an~~ applicant who obtained
2 his or her license or registration under another jurisdiction may
3 apply for licensure with the board without taking the clinical
4 examination specified in Section 4996.1 if the applicant obtained
5 a passing score on the licensing examination set forth in regulation
6 as accepted by the board.

Amendment 161

8 ~~SEC. 28:~~

Amendment 162

+ *SEC. 27.* Section 4996.18 of the Business and Professions Code
9 is amended to read:

10 4996.18. (a) ~~A person who wishes to be credited with~~
11 ~~experience toward licensure requirements shall register with the~~
12 ~~board as an associate clinical social worker prior to obtaining that~~
13 ~~experience. The application shall be made on a form prescribed~~
14 ~~by the board. All applicants for licensure shall have an active~~
+ *registration with the board as an associate clinical social worker*
+ *in order to gain hours of supervised experience.*

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

Page 42 17 (1) Possess a master's degree from an accredited school or
18 department of social work.

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

21 (3) ~~Commencing January 1, 2014, have~~ Have completed training
22 or coursework, which may be embedded within more than one
23 course, in California law and professional ethics for clinical social
24 workers, including instruction in all of the following areas of study:

25 (A) Contemporary professional ethics and statutes, regulations,
26 and court decisions that delineate the scope of practice of clinical
27 social work.

28 (B) The therapeutic, clinical, and practical considerations
29 involved in the legal and ethical practice of clinical social work,
30 including, but not limited to, family law.

31 (C) The current legal patterns and trends in the mental health
32 professions.

33 (D) The psychotherapist-patient privilege, confidentiality,
34 dangerous patients, and the treatment of minors with and without
35 parental consent.

36 (E) A recognition and exploration of the relationship between
37 a practitioner's sense of self and human values, and his or her
38 professional behavior and ethics.

39 (F) Differences in legal and ethical standards for different types
40 of work settings.

Page 43 1 (G) Licensing law and process.

2 (c) An applicant who possesses a master's degree from a school
3 or department of social work that is a candidate for accreditation
4 by the Commission on Accreditation of the Council on Social
5 Work Education shall be eligible, and shall be required, to register
6 as an associate clinical social worker in order to gain experience
7 toward licensure if the applicant has not committed any crimes or
8 acts that constitute grounds for denial of licensure under Section
9 480. That applicant shall not, however, be eligible to take the
10 clinical examination until the school or department of social work
11 has received accreditation by the Commission on Accreditation
12 of the Council on Social Work Education.

13 (d) An applicant who possesses a master's degree from an
14 accredited school or department of social work shall be able to
15 apply experience the applicant obtained during the time the
16 accredited school or department was in candidacy status by the

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Page 43 17 Commission on Accreditation of the Council on Social Work
18 Education toward the licensure requirements, if the experience
19 meets the requirements of Section 4996.23. This subdivision shall
20 apply retroactively to persons who possess a master’s degree from
21 an accredited school or department of social work and who
22 obtained experience during the time the accredited school or
23 department was in candidacy status by the Commission on
24 Accreditation of the Council on Social Work Education.

25 (e) An applicant for registration or licensure trained in an
26 educational institution outside the United States shall demonstrate
27 to the satisfaction of the board that he or she possesses a master’s
28 of social work degree that is equivalent to a master’s degree issued
29 from a school or department of social work that is accredited by
30 the Commission on Accreditation of the Council on Social Work
31 Education. These applicants shall provide the board with a
32 comprehensive evaluation of the degree and shall provide any
33 other documentation the board deems necessary. The board has
34 the authority to make the final determination as to whether a degree
35 meets all requirements, including, but not limited to, course
36 requirements regardless of evaluation or accreditation.

37 (f) All applicants *for licensure* and registrants shall be at all
38 times under the supervision of a supervisor who shall be
39 responsible for ensuring that the extent, kind, and quality of
40 counseling performed is consistent with the training and experience
Page 44 1 of the person being supervised and who shall be responsible to the
2 board for compliance with all ~~laws, rules, and regulations~~ *laws*
3 governing the practice of clinical social work.

4 (g) All applicants and registrants shall inform each client or
5 patient prior to performing any professional services that he or she
6 is unlicensed and is under the supervision of a licensed
7 professional.

9 ~~SEC. 29;~~
+ SEC. 28. Section 4996.20 is added to the Business and
10 Professions Code, to read:

11 4996.20. (a) “Supervisor,” as used in this chapter, means an
12 individual who meets ~~the requirements set forth in this chapter and~~
13 ~~by regulation. The requirements include, but are not limited to, all~~
14 ~~of the following: all of the following requirements:~~

15 (1) ~~Has been actively licensed in this state or has held an active~~
16 ~~equivalent license in any other state as a licensed~~ *held an active*

Amendment 165

Amendment 166

Amendment 167

Amendment 168

Amendment 169

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+ license for at least two years within the five-year period
 + immediately preceding any supervision as either:

17 (A) A licensed professional clinical counselor, licensed marriage
 18 and family therapist, licensed clinical psychologist, licensed clinical
 19 social worker, or licensed physician worker, or equivalent
 + out-of-state license.

+ (B) A physician and surgeon who is certified in psychiatry by
 20 the American Board of Psychiatry and Neurology, for at least two
 21 years of the past five years immediately prior to commencing any
 22 supervision; Neurology or an out-of-state licensed physician and
 + surgeon who is certified in psychiatry by the American Board of
 + Psychiatry and Neurology.

23 (2) ~~Has~~ For at least two years within the five-year period
 + immediately preceding any supervision, has either practiced
 24 psychotherapy or provided direct clinical supervision of
 + psychotherapy performed by associate clinical social workers,
 25 associate marriage and family therapists or trainees, or associate
 26 professional clinical counselors, who perform psychotherapy, for
 27 at least two years within the five-year period immediately
 28 preceding any supervision; counselors. Supervision of
 + psychotherapy performed by a social work students enrolled in an
 29 accredited master's or doctoral program who perform
 30 psychotherapy or professional clinical counselor trainees who
 + perform psychotherapy intern or a professional clinical counselor
 31 trainee shall be accepted toward the required two years if the
 32 supervision provided to the students is substantially equivalent to
 33 the supervision required for registrants.

34 (3) Has received professional training in supervision as specified
 35 in this chapter and by regulation.

36 (4) Has not provided therapeutic services to the supervisee.

37 (5) Has and maintains a current and active California license
 + as a marriage and family therapist, professional clinical counselor,
 + licensed clinical social worker, licensed psychologist, or physician
 + and surgeon who is certified in psychiatry by the American Board
 38 of Psychiatry and Neurology that is not under suspension or
 + probation.

39 (6) ~~Complies with supervision requirements established by this~~
 40 ~~chapter and by board regulations.~~

+ (6) Is not a spouse, domestic partner, or relative of the
 + supervisee.

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Amendment 172

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Amendment 174

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+ (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.

1 (b) "Supervision," for purposes of this chapter, *As used in this*
2 *chapter, the term "supervision" means responsibility for, and*
3 *control of, the quality of mental health services being provided by*
4 *the supervisee. Consultation or peer discussion shall not be*
+ *considered supervision and shall not qualify as supervised*
5 *experience.*

6 (c) ~~Supervision~~

7 "Supervision" includes, but is not limited to, all of the following:

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

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

13 (3) Monitoring and evaluating the supervisee's ability to provide
14 services to the particular clientele being served at the site or sites
15 where he or she will be practicing; *at the site or sites where he or*
+ *she is practicing and to the particular clientele being served.*

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

20 (5) Ensuring the supervisee's compliance with laws and
21 regulations governing the practice of clinical social work.

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

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

30 ~~SEC. 30:~~

+ *SEC. 29.* Section 4996.21 is added to the Business and
31 Professions Code, to read:

32 4996.21. The board shall have the right to *may* audit the records
33 of any supervisor to verify the completion of the supervisor
34 qualifications specified by this chapter and by regulation. A
35 supervisor shall maintain records of completion of the required

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Amendment 190

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Amendment 192

Page 45 36 supervisor qualifications for a period of seven years after
37 termination of supervision and shall make these records available
38 to the board for auditing purposes upon request.

Page 46 2 ~~SEC. 31. Section 4996.23 of the Business and Professions~~
3 ~~Code is amended to read:~~

4 ~~4996.23. (a) To qualify for licensure as specified in Section~~
5 ~~4996.2, each applicant shall complete 3,000 hours of post-master's~~
6 ~~degree supervised experience related to the practice of clinical~~
7 ~~social work under a supervisor who meets the qualifications in~~
8 ~~Section 4996.20. Experience shall not be gained until the applicant~~
9 ~~is actively registered as an associate clinical social worker. The~~
10 ~~experience shall comply with the following:~~

11 ~~(1) At least 1,700 hours shall be gained under the supervision~~
12 ~~of a licensed clinical social worker. The remaining required~~
13 ~~supervised experience may be gained under the supervision of a~~
14 ~~supervisor holding any of the license types listed as acceptable in~~
15 ~~this chapter.~~

16 ~~(2) A minimum of 2,000 hours in clinical psychosocial~~
17 ~~diagnosis, assessment, and treatment, including psychotherapy or~~
18 ~~counseling.~~

19 ~~(3) A maximum of 1,000 hours in client-centered advocacy,~~
20 ~~consultation, evaluation, research, direct supervisor contact, and~~
21 ~~workshops, seminars, training sessions, or conferences directly~~
22 ~~related to clinical social work that have been approved by the~~
23 ~~applicant's supervisor.~~

24 ~~(4) Of the 2,000 clinical hours required in paragraph (2), no less~~
25 ~~than 750 hours shall be face-to-face individual or group~~
26 ~~psychotherapy provided to clients in the context of clinical social~~
27 ~~work services.~~

28 ~~(5) A minimum of two years of supervised experience is required~~
29 ~~to be obtained over a period of not less than 104 weeks and shall~~
30 ~~have been gained within the six years immediately preceding the~~
31 ~~date on which the application for licensure was received by the~~
32 ~~board.~~

33 ~~(6) Experience shall not be credited for more than 40 hours in~~
34 ~~any week.~~

35 ~~(7) No more than six hours of supervision, whether individual~~
36 ~~or group, shall be credited during any single week.~~

37 ~~(b) An individual who submits an application for licensure~~
38 ~~between January 1, 2016, and December 31, 2020, may~~

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Page 46 39 ~~alternatively qualify under the experience requirements of this~~
40 ~~section that were in place on January 1, 2015.~~

Page 47 1 ~~(e) The six hours of supervision that may be credited during~~
2 ~~any single week pursuant to paragraph (7) of subdivision (a) shall~~
3 ~~apply only to supervision hours gained on or after January 1, 2010:~~

+ *SEC. 30. 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, licensed psychologist, 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) Experience shall not be credited for more~~
- + ~~(5) No more than 40 hours of experience may be credited in any~~
- + ~~week.~~
- + ~~(6) For hours gained on or after January 1, 2010, no more than~~
- + ~~six hours of supervision, whether individual or group, 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).~~

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- + ~~(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.~~

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+ ~~(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.~~

Page 47 5 ~~SEC. 32.~~

+ ~~SEC. 31. Section 4996.23.1 is added to the Business and~~
6 ~~Professions Code, to read:~~

7 4996.23.1. ~~(a) For~~*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 has more than 10 hours*
+ *of direct clinical counseling in a week in any setting shall receive*

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+ at least one additional hour of direct supervisor contact for that
+ setting.

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

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

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

13 (3) Group supervision, which means two hours of face-to-face
14 contact between one supervisor and no more than eight supervisees.

15 Segments of group supervision may be split into no less than one
16 continuous hour. A supervisor shall ensure that the amount and
+ degree of supervision is appropriate for each supervisee.

17 ~~(b) Except for experience gained by attending workshops,
18 seminars, training sessions, or conferences, as described in
19 paragraph (3) of subdivision (a) of Section 4996.23, supervision
20 shall include at least one hour of direct supervisor contact in each
21 week for which experience is credited in each work setting. An
22 associate clinical social worker gaining experience shall receive
23 at least one additional hour of direct supervisor contact in every
24 week in which more than 10 hours of face-to-face psychotherapy
25 is performed in each setting.~~

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

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

31 (e) Of the 52 weeks of required individual or triadic supervision,
32 no less than 13 weeks shall be supervised by a licensed clinical
33 social worker.

34 ~~(f) When conducting group supervision, the supervisor shall
35 ensure that the amount and degree of supervision is appropriate
36 for each supervisee.~~

37 ~~(g)~~

+ (f) Notwithstanding subdivision (a); (b), an associate clinical
38 social worker working for a governmental entity, a school, a
39 college, a university, or an institution that is both nonprofit and
40 charitable may obtain the required weekly direct supervisor contact
1 via two-way, real-time videoconferencing. The supervisor shall

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Amendment 204

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Page 48 2 be responsible for ensuring compliance with state and federal-law
3 laws relating to confidentiality of patient health information.

Amendment 206

4 ~~(h)~~
+ (g) Notwithstanding any other law, once the required number
5 of experience hours are gained, an associate clinical social worker
6 or applicant for licensure shall receive a minimum of one hour of
7 direct supervisor contact per week for each *practice* setting in
8 which direct clinical counseling is performed. Once the required
9 number of experience hours are gained, further supervision for
10 nonclinical practice, as defined in paragraph (3) of subdivision (a)
11 of Section 4996.23, shall be at the supervisor's discretion.

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13 ~~SEC. 33.~~
+ SEC. 32. Section 4996.23.2 is added to the Business and
14 Professions Code, to read:

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15 4996.23.2. (a) An associate clinical social worker or applicant
16 for licensure shall only perform *mental health* services as an
+ employee or as a ~~volunteer~~; *volunteer, not as an independent*
17 *contractor*. The requirements of this chapter regarding ~~gaining~~
18 hours of experience and supervision shall apply equally to
19 employees and volunteers. An associate or applicant for licensure
20 shall not perform any services or gain any experience within the
21 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.*

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

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25 (2) If volunteering, an associate shall provide the ~~board~~ *board,*
26 *upon application for licensure,* with a letter from his or her
27 employer verifying the associate's status as a volunteer during the
28 dates the experience was gained. ~~This letter shall be provided to~~
+ ~~the board upon application for licensure.~~

Amendment 213

29 (b) "Private practice," for purposes of this chapter, is defined
30 as a setting owned by a licensed clinical social worker, a licensed
31 marriage and family therapist, a licensed psychologist, a licensed
32 professional clinical counselor, a licensed physician and surgeon,
33 or a professional corporation of any of those licensed professions.

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Page 48 34 (c) Employment in a private practice shall not commence until
35 the applicant has been registered as an associate clinical social
36 worker.

37 (d) Experience shall only be gained in a setting that meets both
38 of the following:

39 (1) Lawfully and regularly provides clinical social work, mental
40 health counseling, or psychotherapy.

Page 49 1 (2) Provides oversight to ensure that the associate’s work at the
2 setting meets the experience and supervision requirements set forth
3 in this chapter and is within the scope of practice for the profession
4 as defined in Section 4996.9.

5 ~~(e) While an associate clinical social worker may be either a
6 paid employee or a volunteer, employers are encouraged to provide
7 fair remuneration.~~

8 ~~(f)~~
+ (e) Only experience gained in the position for which the
9 associate clinical social worker volunteers or is employed shall
10 qualify as supervised experience.

11 ~~(g)~~
+ (f) Any experience obtained under the supervision of a spouse
12 or relative by blood or marriage shall not be credited toward the
13 required hours of supervised experience. Any experience obtained
14 under the supervision of a supervisor with whom the applicant has
15 had or currently has a personal, professional, or business
16 relationship that undermines the authority or effectiveness of the
17 supervision shall not be credited toward the required hours of
18 supervised experience.

19 (h) An associate or applicant shall not do any of the following:

20 (1) Receive any remuneration from patients or clients and shall
21 only be paid by his or her employer.

22 (2) Have any proprietary interest in his or her employer’s
23 business.

24 (3) Lease or rent space, pay for furnishings, equipment, or
25 supplies, or in any other way pay for the obligations of his or her
26 employer.

27 (i)
+ (g) An associate clinical social worker or applicant for licensure
28 who provides voluntary services in any lawful work setting other
29 than a private practice and who only receives reimbursement for
30 expenses actually incurred shall be considered an employee and

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Amendment 222

Page 49 31 ~~not an independent contractor.~~ *employee.* The board may audit an
32 applicant for licensure who receives reimbursement for expenses
33 and the applicant shall have the burden of demonstrating that the
34 payments received were for reimbursement of expenses actually
+ incurred.

35 (j)
+ (h) An associate clinical social worker or applicant for licensure
36 who receives a stipend or educational loan repayment from a
37 program designed to encourage demographically underrepresented
38 groups to enter the profession or to improve recruitment and
39 retention in underserved regions or settings shall be considered an
40 ~~employee and not an independent contractor.~~ *employee.* The board

Page 50 1 may audit an applicant who receives a stipend or educational loan
2 repayment and the applicant shall have the burden of demonstrating
3 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.*

5 ~~SEC. 34.~~

+ *SEC. 33.* Section 4996.23.3 is added to the Business and
6 Professions Code, to read:

7 4996.23.3. (a) An associate clinical social worker or an
8 applicant for licensure shall only perform *mental health* services
9 at the place where his or her employer regularly conducts business
10 and ~~services, which may include performing services at other~~

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Page 50 11 locations, as long as the services are performed under the direction
12 and control of his or her employer and his or her supervisor and
13 in compliance with the laws and regulations pertaining to
+ supervision. *services.*

14 (b) Except for periods of time during a supervisor's vacation or
15 sick leave, an *An* associate clinical social worker who is employed
16 or volunteering in a corporation or in private practice shall be
17 under the direct supervision of a supervisor supervised by an
18 individual who is either employed by, and practices at the same
19 site as, the associate's employer or is an owner or shareholder of
+ the private practice, either:

+ (1) Employed by, and practices at the same site as, the
+ associate's employer or is an owner or shareholder of the private
+ practice.

+ (2) Employed full time by the corporation and is actively
+ engaged in performing professional services at and for the
+ corporation.

20 (c) A licensed professional in private practice who has satisfied
21 the requirements of subdivision (a) of Section 4996.20 may
22 supervise or employ, at any one time, supervisor at a private
+ practice or a corporation may supervise, at any one time, no more
23 than a total of three individuals registered as an associate marriage
24 and family therapist, an associate professional clinical counselor,
25 or an associate clinical social worker in that private practice:
+ worker.

26 (d) All of the following limits shall apply to a licensed clinical
27 social worker corporation:

28 (1) A licensed clinical social worker corporation may retain, at
29 any one time, no more than a total of three employees, volunteers,
30 or a combination of employees and volunteers, registered as an
31 associate marriage and family therapist, an associate professional
32 clinical counselor, or an associate clinical social worker for each
33 supervising employee or shareholder who has satisfied the
34 requirements of subdivision (a) of Section 4996.20:

35 (d) In no event shall a private practice retain, at any one time,
+ more than three supervisees.

36 (2)

+ (e) In no event shall any licensed clinical social worker
37 corporation retain, at any one time, more than a total of 15-
38 employees, volunteers, or a combination of employees and

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Page 50 39 volunteers, registered as an associate marriage and family therapist,
Page 51 1 an associate professional clinical counselor, or an associate clinical
2 social worker. *supervisees*.

3 ~~(3) In no event shall any supervisor supervise, at any one time,~~
4 ~~more than a total of three employees, volunteers, or a combination~~
5 ~~of employees and volunteers, registered as an associate marriage~~
6 ~~and family therapist, an associate professional clinical counselor,~~
7 ~~or an associate clinical social worker. A person who supervises an~~
8 ~~employee or volunteer registered as an associate marriage and~~
10 ~~family therapist, an associate professional clinical counselor, or~~
11 ~~an associate clinical social worker shall be employed full-time by~~
12 ~~the licensed clinical social worker corporation and shall be actively~~
13 ~~engaged in performing professional services at and for the licensed~~
14 ~~clinical social worker corporation.~~

15 ~~(4) Employment and supervision within a licensed clinical social~~
16 ~~worker corporation shall be subject to all laws and regulations~~
17 ~~governing experience and supervision gained in a private practice~~
18 ~~setting.~~

19 ~~(e)~~
+ ~~(f) In a setting that is not a private practice, a written practice:~~
20 ~~(1) A written oversight agreement, as specified by regulation,~~
21 ~~shall be executed between the supervisor and employer when the~~
22 ~~supervisor is not employed by the supervisee's employer or is a~~
+ ~~volunteer.~~

23 ~~(f) In any setting that is not a private practice, a~~
24 ~~(2) A supervisor shall evaluate the site or sites where an associate~~
25 ~~clinical social worker will be gaining hours of experience toward~~
26 ~~licensure and shall to determine both of the following:~~

27 ~~(1) That that the site provides experience that is within the scope~~
28 ~~of practice of a clinical social worker.~~

29 ~~(2) That the experience is or sites are in compliance with the~~
30 ~~requirements set forth in this chapter and regulations.~~

31 (g) Alternative supervision may be arranged during a
32 supervisor's vacation or sick leave if the alternative supervision
33 meets the requirements in this chapter and by regulation.

35 ~~SEC. 35.~~
+ ~~SEC. 34.~~ Section 4996.24 of the Business and Professions Code
36 is repealed.

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Amendment 246

Page 51 38 ~~SEC. 36.~~
+ SEC. 35. Section 4999.12 of the Business and Professions Code
39 is amended to read:
Page 52 1 4999.12. For purposes of this chapter, the following terms have
2 the following meanings:
3 (a) "Board" means the Board of Behavioral Sciences.
4 (b) "Accredited" means a school, college, or university
5 accredited by a regional or national institutional accrediting agency
6 that is recognized by the United States Department of Education.
7 (c) "Approved" means a school, college, or university that
8 possessed unconditional approval by the Bureau for Private
9 Postsecondary Education at the time of the applicant's graduation
10 from the school, college, or university.
11 (d) "Applicant for licensure" means an unlicensed person who
12 has completed the required education and required hours of
13 supervised experience for ~~licensure as specified in this chapter.~~
+ *licensure.*
14 (e) "Licensed professional clinical counselor" or "LPCC" means
15 a person licensed under this chapter to practice professional clinical
16 counseling, as defined in Section 4999.20.
17 (f) "Associate" means an unlicensed person who meets the
18 requirements of Section 4999.42 ~~and who meets one of the~~
19 ~~following:~~ *is registered with the board.*
20 ~~(1) The individual is registered with the board as an associate.~~
21 ~~(2) The individual's degree was awarded and the board receives~~
22 ~~his or her application for registration with the board as an associate~~
23 ~~within 90 days of the degree award date.~~
24 (g) "Clinical counselor trainee" means an unlicensed person
25 who is currently enrolled in a master's or doctoral degree program,
26 as specified in Section 4999.32 or 4999.33, ~~as applicable;~~ that is
27 designed to qualify him or her for licensure ~~under this chapter,~~ and
28 who has completed no less than 12 semester units or 18 quarter
29 units of coursework in any qualifying degree program.
30 (h) "Supervisor" means an individual who meets all of the
31 following requirements:
32 (1) ~~Has been actively licensed in this state or has held an active~~
33 ~~equivalent license in another state as a licensed~~ *held an active*
+ *license for at least two years within the five year period*
+ *immediately preceding any supervision as either:*

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Amendment 249

Amendment 250
Amendment 251

Amendment 252

Page 52 34 (A) *A licensed professional clinical counselor, licensed marriage*
 35 *and family therapist, licensed clinical psychologist, licensed clinical*
 36 *social worker, or licensed physician and surgeon who is certified*
 37 *in psychiatry by the American Board of Psychiatry and Neurology;*
 38 *for at least two of the past five years immediately prior to*
 + *commencing any supervision. 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.*

Page 53 39 (2) ~~The supervisor meets the additional training and education~~
 40 ~~requirements in subparagraphs (A) to (C), inclusive, of paragraph~~
 1 (3) ~~of subdivision (a) of Section 4999.20 if he or she is a licensed~~
 2 ~~professional clinical counselor, supervising an associate marriage~~
 3 ~~and family therapist, a marriage and family therapist trainee, or~~
 4 ~~an associate professional clinical counselor or licensee seeking~~
 5 ~~experience to treat couples and families pursuant to subparagraph~~
 6 (B) ~~of paragraph (3) of subdivision (a) of Section 4999.20.~~

+ (2) *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.*

7 (3) ~~For at least two years within the five-year period~~
 + ~~immediately preceding any supervision, has either practiced~~
 8 ~~psychotherapy or provided direct clinical supervision of~~
 + ~~psychotherapy performed by marriage and family therapist trainees,~~
 9 ~~associate marriage and family therapists, associate professional~~
 10 ~~clinical counselors, or associate clinical social workers, who~~
 11 ~~perform psychotherapy, for at least two years within the five-year~~
 12 ~~period immediately preceding any supervision. workers.~~

13 ~~Supervision of psychotherapy performed by a social work students~~
 + ~~enrolled in an accredited master's or doctoral program or~~
 14 ~~professional clinical counselor trainees, who perform~~
 15 ~~psychotherapy, intern or a professional clinical counselor trainee~~

Amendment 255

Amendment 256

Amendment 257

Amendment 258

Amendment 259

Amendment 260

Amendment 261

PROPOSED AMENDMENTS

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**SUBSTANTIVE
Amendment 262**

Page 53 16 shall be accepted toward the required two years if the supervision
17 provided to the students is substantially equivalent to the
+ supervision required for registrants.

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

20 (5) Has not provided therapeutic services to the supervisee.

21 (6) Has and maintains a current and active California license
+ *as a licensed professional clinical counselor, licensed marriage*
+ *and family therapist, licensed psychologist, licensed clinical social*
+ *worker, physician and surgeon certified in psychiatry by the*
22 *American Board of Psychiatry and Neurology* that is not under
+ suspension or probation.

23 (7) ~~Complies with supervision requirements established by this~~
24 ~~chapter and by regulation.~~

+ (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.*

25 (i) "Client centered advocacy" includes, but is not limited to,
26 researching, identifying, and accessing resources, or other activities,
27 related to obtaining or providing services and supports for clients
28 or groups of clients receiving psychotherapy or counseling services.

29 (j) "Advertising" or "advertise" includes, but is not limited to,
30 the issuance of any card, sign, or device to any person, or the
31 causing, permitting, or allowing of any sign or marking on, or in,
32 any building or structure, or in any newspaper or magazine or in
33 any directory, or any printed matter whatsoever, with or without
34 any limiting qualification. It also includes business solicitations
35 communicated by radio or television broadcasting. Signs within
36 church buildings or notices in church bulletins mailed to a
37 congregation shall not be construed as advertising within the
38 meaning of this chapter.

39 (k) "Referral" means evaluating and identifying the needs of a
40 client to determine whether it is advisable to refer the client to
1 other specialists, informing the client of that judgment, and
2 communicating that determination as requested or deemed
3 appropriate to referral sources.

4 (l) "Research" means a systematic effort to collect, analyze, and
5 interpret quantitative and qualitative data that describes how social

Amendments 263 & 264

Amendments 265 & 266

Amendment 267

Page 54 1
2
3

PROPOSED AMENDMENTS

Page 54 6 characteristics, behavior, emotion, cognitions, disabilities, mental
7 disorders, and interpersonal transactions among individuals and
8 organizations interact.

9 (m) ~~(1)~~—“Supervision” means responsibility for, and control of,
10 the quality of *mental health* services—being provided by the
11 supervisee. Consultation or peer discussion shall not be considered
12 supervision and shall not qualify as supervised—~~experience.~~

13 ~~(2)~~ ~~Supervision experience.~~ *Supervision* includes, but is not
14 limited to, all of the following:

15 (A)
+ (1) Ensuring ~~that~~ the extent, kind, and quality of counseling
16 performed is consistent with the education, training, and experience
17 of the ~~person being supervised:~~ *supervisee.*

18 (B)
+ (2) Monitoring and evaluating *the supervisee’s* assessment,
19 diagnosis, and treatment decisions ~~of the supervisee~~ and providing
20 regular feedback.

21 (C)
+ (3) Monitoring and evaluating the supervisee’s ability to provide
22 services ~~to the particular clientele at the site or sites where he or~~
23 ~~she will be practicing:~~ *at the site or sites where he or she is*
+ *practicing and to the particular clientele being served.*

24 (D)
+ (4) Monitoring ~~for~~ and addressing clinical dynamics, including,
25 but not limited to, countertransference-, intrapsychic-,
26 interpersonal-, or trauma-related issues that may affect the
27 supervisory or the practitioner-patient relationship.

28 (E)
+ (5) Ensuring the supervisee’s compliance with laws and
29 regulations governing the practice of licensed professional clinical
30 counseling.

31 (F)
+ (6) Reviewing the supervisee’s progress notes, process notes,
32 and other patient treatment records, as deemed appropriate by the
33 supervisor.

34 (G)
+ (7) With the client’s written consent, providing direct
35 observation or review of audio or video recordings of the
36 supervisee’s counseling or therapy, as deemed appropriate by the
37 supervisor.

Amendment 268
Amendments 269 & 270

Amendment 271

Amendments 272 & 273

Amendment 274
Amendments 275 & 276

Amendment 277

Amendment 278

Amendment 279

Amendments 280 & 281

Amendment 282

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SUBSTANTIVE**

Page 54 38 (n) "Clinical setting" means any setting that meets both of the
39 following requirements:

Page 55 1 (1) Lawfully and regularly provides mental health counseling
2 or psychotherapy.

3 (2) Provides oversight to ensure that the associate's work-at-the
4 setting meets the experience and supervision requirements set forth
5 in this chapter and in regulation and is within the scope of practice
6 of the profession.

7 (o) "Community mental health setting," ~~as used in Section~~
8 ~~4999.46~~, means a clinical setting that meets all of the following
9 requirements:

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

12 (2) Clients routinely receive psychopharmacological
13 interventions in conjunction with psychotherapy, counseling, or
14 other psycho-social interventions.

15 (3) Clients receive coordinated care that includes the
16 collaboration of mental health providers.

17 (4) Is not a private practice.

19 ~~SEC. 37.~~

+ *SEC. 36.* Section 4999.34 of the Business and Professions Code
20 is repealed.

22 ~~SEC. 38.~~

+ *SEC. 37.* Section 4999.36 of the Business and Professions Code
23 is amended to read:

24 4999.36. (a) A clinical counselor trainee may perform activities
25 and services provided that the activities and services constitute
26 part of the clinical counselor trainee's supervised course of study
27 and that the person is designated by the title "clinical counselor
28 trainee."

29 (b) All practicum and field study hours gained as a clinical
30 counselor trainee shall be coordinated between the school and the
31 site where hours are being accrued. The school shall approve each
32 site and shall have a written agreement with each site that details
33 each party's responsibilities, including the methods by which
34 supervision shall be provided. The agreement shall provide for
35 regular progress reports and evaluations of the student's
36 performance at the site.

37 (c) If an applicant has gained practicum and field study hours
38 while enrolled in an institution other than the one that confers the

Amendment 285

Amendment 286

Amendment 287

Amendment 288

PROPOSED AMENDMENTS

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SUBSTANTIVE

Page 55 39 qualifying degree, it shall be the applicant's responsibility to
Page 56 1 provide to the board satisfactory evidence that those practicum
2 and field study hours were gained in compliance with this section.
3 (d) A clinical counselor trainee shall inform each client or
4 patient, prior to performing any professional services, that he or
5 she is unlicensed and under supervision.
6 (e) No hours earned while a clinical counselor trainee may count
7 toward the 3,000 hours of required postdegree supervised
8 experience.
9 ~~SEC. 39.~~
+ SEC. 38. Section 4999.42 of the Business and Professions Code
11 is amended to read:
12 4999.42. (a) ~~To qualify for registration as an associate, an~~
13 ~~applicant shall have~~ *An applicant shall meet* all of the following
+ ~~qualifications:~~ *qualifications to qualify for registration as an*
+ *associate:*
14 (1) ~~The applicant shall have earned~~ *Earned* a master's or
15 doctoral degree as specified in Section 4999.32 or 4999.33, as
16 applicable. An applicant whose education qualifies him or her
17 under Section 4999.32 shall also have completed the coursework
18 or training specified in subdivision (e) of Section 4999.32.
+ (2) *Be at least 18 years of age.*
19 ~~(2) The applicant shall not~~
20 (3) *Not have committed acts or crimes constituting grounds for*
+ *denial of licensure under Section 480.*
21 ~~(3)~~
+ (b) The board shall not issue a registration to any person who
22 has been convicted of a crime in this or another state or in a
23 territory of the United States that involves sexual abuse of children
24 or who is required to register pursuant to Section 290 of the Penal
25 Code or the equivalent in another state or territory.
26 ~~(b) The board shall begin accepting applications for associate~~
27 ~~registration on January 1, 2011.~~
29 ~~SEC. 40.~~
+ SEC. 39. Section 4999.44 of the Business and Professions Code
30 is repealed.
32 ~~SEC. 41.~~
+ SEC. 40. Section 4999.45 of the Business and Professions Code
33 is repealed.

Amendment 289

Amendment 290

Amendment 291

Amendment 292

Amendment 293

Amendment 294

Amendment 295

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Amendment 298

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Amendment 299

Page 56 35 ~~SEC. 42.~~
+ SEC. 41. Section 4999.455 of the Business and Professions
36 Code is repealed.

Amendment 300

38 ~~SEC. 43.~~
+ SEC. 42. Section 4999.46 of the Business and Professions Code
39 is amended to read:

Amendment 301

Page 57 1 4999.46. (a) ~~To qualify for licensure as specified in Section~~
2 ~~4999.50, applicants shall complete experience related to the~~
3 ~~practice of professional clinical counseling under a supervisor.~~
4 ~~The experience shall~~ *All applicants shall have an active associate*
+ *registration with the board in order to gain postdegree hours of*
+ *supervised experience. An applicant shall not provide mental health*
+ *services in a private practice until he or she is registered as an*
+ *associate with the board.*

Amendment 302

+ (b) *Supervised experience that is obtained for the purposes of*
+ *qualifying for licensure shall be related to the practice of*
+ *professional clinical counseling and comply with the following:*

5 (1) A minimum of 3,000 postdegree hours ~~of supervised~~
6 ~~experience performed over a period of not less than two years (104~~
7 ~~weeks).~~

Amendment 303

8 (2) Not more than 40 hours in any seven consecutive days.

9 (3) Not less than 1,750 hours of direct clinical counseling with
10 individuals, groups, couples, or families ~~in a setting described in~~
11 ~~Section 4999.46.3 using a variety of psychotherapeutic techniques~~
12 ~~and recognized counseling interventions within the scope of~~
13 ~~practice of licensed professional clinical counselors.~~ *interventions.*

Amendment 304

14 (4) Not less than 150 hours of clinical experience in a hospital
15 or community mental health setting, as defined in Section 4999.12.

16 (5) A maximum of 1,250 hours of nonclinical practice,
17 consisting of direct supervisor contact, administering and
18 evaluating psychological tests, writing clinical reports, writing
19 progress or process notes, client centered advocacy, and workshops,
20 seminars, training sessions, or conferences directly related to
21 professional clinical counseling that have been approved by the
22 applicant's supervisor.

Amendment 305

23 (b)
+ (c) An individual who submits an application for licensure
24 between January 1, 2016, and December 31, 2020, may
25 alternatively qualify under the experience requirements of this
26 section that were in place on January 1, 2015.

PROPOSED AMENDMENTS

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Amendment 306

Page 57 27 (e) No hours of clinical mental health experience may
28 (d) Experience hours shall not be gained more than six years
29 prior to the date the application for licensure was received by the
+ board.

Amendment 307

31 SEC. 44:
+ SEC. 43. Section 4999.46.1 is added to the Business and
32 Professions Code, to read:

Amendments 308 & 309

33 4999.46.1. (a) An associate or applicant for licensure shall be
34 at all times under the supervision of a supervisor as specified in
35 this chapter and by regulation. *supervisor at all times.*

Amendment 310

36 (b) Except as provided in subdivision (c), an applicant shall
37 have an active associate registration with the board in order to gain
38 postdegree hours of supervised experience.

Page 58 39 (c) Postdegree hours of experience shall be credited toward
40 licensure so long as the applicant applies for associate registration
1 and the board receives the application within 90 days of the
2 granting of the qualifying degree and he or she is thereafter granted
3 registration as an associate by the board. An applicant shall not be
4 employed or volunteer in a private practice until he or she has been
5 issued an associate registration by the board.

6 (b) As used in this chapter, the term "supervision" means
+ responsibility for, and control of, the quality of mental health
+ 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.

PROPOSED AMENDMENTS

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+ (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.

Page 58

7 (d) An associate employed under this chapter shall do all both of the following:

Amendments 311, 312 & 313

9 (1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an associate.

Amendment 314

11 (2) Not be employed or volunteer in a private practice until registered as an associate with the board.

13 (3)

+ (1) Inform each client, prior to performing any professional services, that he or she is unlicensed and under supervision.

Amendments 315, 316 & 317

15 (4)

+ (2) Renew his or her registration annually for a maximum of five years after initial registration with the board; years.

Amendment 318

17 (e) When no further renewals are possible, an applicant

+ (d) If an individual needs his or her registration renewed after five years, the individual may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for registration in effect at the time of the application

Amendment 319

21 for a subsequent associate registration number and has passed the California law and ethics examination described in Section

Amendment 320

23 4999.53; examination. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be

Amendment 321

24 employed or volunteer in a private practice.

26 SEC. 45.

Amendment 322

+ SEC. 44. Section 4999.46.2 is added to the Business and Professions Code, to read:

Amendment 323

28 4999.46.2. (a) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every

29 five hours of direct clinical counseling that is performed in each setting.

31

Page 58 32 ~~(b) (1) Except for experience gained by attending workshops,~~
33 ~~seminars, training sessions, or conferences, as described in~~
34 ~~paragraph (5) of subdivision (a) of Section 4999.46; supervision~~
+ *4999.46.2. (a) Except for experience gained by attending*
+ *workshops, seminars, training sessions, or conferences, as*
+ *described in paragraph (5) of subdivision (b) of Section 4999.46,*
+ *direct supervisor contact shall occur as follows:*

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

37 ~~(2) An associate gaining experience shall receive~~ *A trainee shall*
38 *receive an average of at least one additional hour of direct*
39 *supervisor contact in each week for which more than 10 hours of*
Page 59 1 *direct clinical counseling is performed in each setting. No more*
2 *than six hours of supervision, whether individual or group, shall*
+ *be credited during any single week, 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 or group, shall be credited*
+ *during any single week.*

+ (3) *An associate gaining experience who has more than 10 hours*
+ *of direct clinical counseling experience 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*
+ *or group, shall be credited during any single week.*

+ (4) *An applicant for licensure shall have at least one hour per*
+ *week of direct supervisor contact that is individual, triadic, or a*
+ *combination of both for a minimum of 52 weeks.*

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

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

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

9 (3) Group supervision, which means two hours of face-to-face
10 contact between one supervisor and no more than eight supervisees.

11 Segments of group supervision may be split into no less than one

Amendment 324
Amendments 325 & 326

Amendment 327

PROPOSED AMENDMENTS

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SUBSTANTIVE

Amendment 328

Page 59 12 continuous hour. *The supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.*

13 (d)

Amendment 329

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

15 (e) ~~An applicant for licensure shall have received at least one hour per week of direct supervisor contact that is individual, triadic, or a combination of both, as specified in paragraphs (1) and (2) of subdivision (c), for a minimum of 52 weeks.~~

Amendment 330

19 (f) ~~When conducting group supervision, as specified in paragraph (3) of subdivision (c), the supervisor shall ensure that the amount and degree of supervision is appropriate for each supervisee.~~

23 (g)

Amendment 331

+ (d) Notwithstanding subdivision (e); (b), an associate working in a governmental entity, a school, a college, 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 compliance with state and federal law *federal and state laws* relating to confidentiality of patient health information.

Amdts 332, 333, 334 & 335

30 (h) ~~The six hours of supervision that may be credited during any single week, pursuant to paragraph (2) of subdivision (b), shall apply to supervision hours gained on or after January 1, 2009.~~

Amendment 336

Amendment 337

33 (i)

+ (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 (a) (b) of Section 4999.46, shall be at the supervisor's discretion.

Amendment 338

Amendment 339

Page 60 2 SEC. 46.

Amendment 340

+ SEC. 45. Section 4999.46.3 is added to the Business and Professions Code, to read:

4 4999.46.3. (a) A clinical counselor trainee, associate, or applicant for licensure shall only perform *mental health* services as an employee or ~~as a volunteer~~ *volunteer, and not as an independent contractor*. The requirements of this chapter regarding

Amendment 341

Amendment 342

PROPOSED AMENDMENTS

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SUBSTANTIVE
Amendment 343

Page 60 7 gaining hours of experience and supervision shall apply equally
8 to employees and volunteers. A clinical counselor trainee,
9 associate, or applicant for licensure shall not perform any services
10 or gain any experience within the scope of practice of the
11 profession, as defined in Section 4999.20, as an independent
12 contractor. *While an associate may be either a paid employee or
+ a volunteer, employers are encouraged to provide fair
+ remuneration.*

Amendment 344

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

Amendment 345
Amendment 346

16 (2) If volunteering, an associate shall provide the ~~board~~ board,
17 upon application for licensure, with a letter from his or her
18 employer verifying the associate's status as a volunteer during the
19 dates the experience was gained. ~~This letter shall be provided to
+ the board upon application for licensure.~~

Amendment 347

Amendment 348

20 (b) (1) ~~A clinical counselor trainee shall not perform services
21 in a private practice.~~

24 ~~(2) A clinical counselor trainee shall complete the required
25 predegree supervised practicum or field study experience in a
26 setting that meets both of the following:~~

+ (b) *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.*

27 (A)

Amendment 349

+ (2) Lawfully and regularly provides mental health counseling
28 or psychotherapy.

29 (B)

Amendment 350

+ (3) Provides oversight to ensure that the clinical counselor
30 trainee's work at the setting meets the ~~practicum or field study~~
31 ~~experience requirements in this chapter and is within the scope of~~
32 ~~practice for licensed professional clinical counselors. experience~~
+ ~~and supervision requirements in this chapter and is within the~~
+ ~~scope of practice of the profession, as defined in Section 4999.20.~~

Amendment 351

34 (3)

Amendment 352

+ (4) Only experience gained in the position for which the clinical
35 counselor trainee volunteers or is employed shall qualify as
36 supervised practicum or field study experience.

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SUBSTANTIVE**

Page 60 37 (c) (1) An associate may be credited with supervised experience
38 completed in any setting that meets both of the following:

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

Page 61 1 (B) Provides oversight to ensure that the associate’s work at the
2 setting meets the experience and supervision requirements in this
3 chapter and is within the scope of practice for the profession as
4 specified in Article 2 (~~commencing with Section 4999.20~~); *defined*
+ *in Section 4999.20.*

5 ~~(2) While an associate may be either a paid employee or a~~
6 ~~volunteer, employers are encouraged to provide fair remuneration.~~

7 ~~(3)~~
+ (2) Only experience gained in the position for which the
8 associate volunteers or is employed shall qualify as supervised
9 experience.

10 (4)
+ (3) An applicant for registration as an associate shall not be
11 employed or volunteer in a private practice until ~~an associate~~
12 ~~registration has been issued to the applicant~~ *he or she has been*
+ *issued an associate registration* by the board.

13 ~~(d) Experience~~ *Any experience* obtained under the supervision
14 ~~of a spouse or relative by blood or marriage~~ *spouse, relative, or*
15 *domestic partner* shall not be credited toward the required hours
+ of supervised experience. ~~Experience~~ *Any experience* obtained
16 under the supervision of a supervisor with whom the applicant has
17 had or currently has a personal, professional, or business
18 relationship that undermines the authority or effectiveness of the
19 supervision shall not be credited toward the required hours of
20 supervised experience.

21 (e) A clinical counselor trainee, associate, or applicant for
22 licensure shall not receive any remuneration from patients or clients
23 and shall only be paid by his or her ~~employer~~ *employer, if an*
+ *employee.*

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

29 (g) A clinical counselor trainee, associate, or applicant for
30 licensure who provides voluntary services in any lawful work

Amendment 353

Amendment 354

Amendment 355

Amendment 356

Amendments 357 & 358

Amendment 359

Amendment 360

Page 61 31 setting other than a private practice and who only receives
32 reimbursement for expenses actually incurred shall be considered
33 ~~an employee and not an independent contractor.~~ *employee.* The
34 board may audit an applicant for licensure who receives
35 reimbursement for expenses and the applicant for licensure shall
36 have the burden of demonstrating that the payments received were
37 for reimbursement of expenses actually incurred.

Amendment 361

38 (h) A clinical counselor trainee, associate, or applicant for
39 licensure who receives a stipend or educational loan repayment
40 from a program designed to encourage demographically
Page 62 1 underrepresented groups to enter the profession or to improve
2 recruitment and retention in underserved regions or settings shall
3 be considered ~~an employee and not an independent contractor.~~
4 *employee.* The board may audit an applicant who receives a stipend
5 or educational loan repayment and the applicant shall have the
6 burden of demonstrating that the payments received were for the
7 specified purposes.

Amendment 362

Amendment 363

8 (i) Each educational institution preparing applicants pursuant
9 to this chapter shall consider requiring, and shall encourage, its
10 students to undergo individual, marital, conjoint, family, or group
11 counseling or psychotherapy, as appropriate. Each supervisor shall
12 consider, advise, and encourage his or her associates and trainees
13 regarding the advisability of undertaking individual, marital,
14 conjoint, family, or group counseling or psychotherapy, as
15 appropriate. Insofar as it is deemed appropriate and is desired by
16 the applicant, educational institutions and supervisors are
17 encouraged to assist the applicant ~~in locating~~ *to locate* that
18 counseling or psychotherapy at a reasonable cost.

Amendment 364

20 ~~SEC. 47.~~
+ *SEC. 46.* Section 4999.46.4 is added to the Business and
21 Professions Code, to read:

Amendment 365

22 4999.46.4. (a) A clinical counselor trainee, associate, or
23 applicant for licensure shall only perform *mental health* services
24 at the place where his or her employer regularly conducts business
25 ~~and services, which may include performing services at other~~
26 ~~locations, as long as the services are performed under the direction~~
27 ~~and control of his or her employer and his or her supervisor and~~
28 ~~in compliance with the laws and regulations pertaining to~~
+ supervision: *services.*

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Page 62 29 (b) Except for periods of time during a supervisor's vacation or
30 sick leave, an *An* associate who is employed or volunteering in a
31 corporation or a private practice shall be under the direct
32 supervision of a supervisor supervised by an individual who is
+ either employed by, either:

33 (1) Employed by, and practices at the same site as, the associate's
34 employer or is an owner or shareholder of the private practice.

+ (2) Employed full time by the corporation and is actively
+ engaged in performing professional services at and for the
+ corporation.

35 (c) A licensed professional in private practice who has satisfied
36 the requirements of subdivision (h) of Section 4999.12 supervisor
+ in private practice or at a professional clinical counselor
37 corporation may supervise or employ, at any one time, no more
38 than a total of three individuals registered as an associate marriage
39 and family therapist, an associate professional clinical counselor,
40 or an associate clinical social worker in that private practice. at
+ any time.

+ (1) In no event shall a private practice retain, at any one time,
+ more than three supervisees.

+ (2) In no event shall any professional clinical counselor
+ corporation retain, at any one time, more than a total of 15
+ supervisees.

Page 63 1 (d) All of the following limits shall apply to a professional
2 clinical counselor corporation:

3 (1) A professional clinical counselor corporation may retain, at
4 any one time, no more than a total of three employees, volunteers,
5 or a combination of employees and volunteers, registered as an
6 associate marriage and family therapist, an associate professional
7 clinical counselor, or an associate clinical social worker for each
8 supervising employee or shareholder who has satisfied the
9 requirements of subdivision (h) of Section 4999.12.

11 (2) In no event shall any professional clinical counselor
12 corporation retain, at any one time, more than a total of 15
13 employees, volunteers, or a combination of employees and
14 volunteers, registered as an associate marriage and family therapist,
15 an associate professional clinical counselor, or an associate clinical
16 social worker.

17 (3) In no event shall any supervisor supervise, at any one time,
18 more than a total of three employees, volunteers, or a combination

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Amendment 373

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Amendment 377

Page 63 19 of employees and volunteers, registered as an associate marriage
20 and family therapist, an associate professional clinical counselor,
21 or an associate clinical social worker. A person who supervises an
22 employee or volunteer registered as an associate marriage and
24 family therapist, an associate professional clinical counselor, or
25 an associate clinical social worker shall be employed full time by
26 the professional clinical counselor corporation and shall be actively
27 engaged in performing professional services at and for the
28 professional clinical counselor corporation.

29 (4) Employment and supervision within a professional clinical
30 counselor corporation shall be subject to all laws and regulations
31 governing experience and supervision gained in a private practice
32 setting.

33 (e)
+ (d) In a setting that is not a private practice, a written practice:

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

37 (f) In any setting that is not a private practice, a

38 (2) A supervisor shall evaluate the site or sites where an associate
39 will be gaining hours of experience toward licensure and shall to
40 determine both of the following:

Page 64 1 (1) That that the site or sites provide experience that is within
2 the scope of practice of a professional clinical counselor.

3 (2) That the experience is in compliance with the requirements
4 set forth in this chapter and by regulation: chapter.

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

9 SEC. 48;
+ SEC. 47. Section 4999.46.5 is added to the Business and
10 Professions Code, to read:

11 4999.46.5. The board shall have the right to may audit the
12 records of any supervisor to verify the completion of the supervisor
13 qualifications specified by this chapter and by regulation. A
14 supervisor shall maintain records of completion of the required
15 supervisor qualifications for a period of seven years after

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Page 64 16 termination of supervision and shall make these records available
 17 to the board for auditing purposes upon request.
 19 ~~SEC. 49. Section 4999.47 of the Business and Professions~~
 20 ~~Code is repealed.~~
 + ~~SEC. 48. 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.~~

Amendment 389

+ ~~(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.~~

Page 64 21 SEC. 50.

+ SEC. 49. Section 4999.50 of the Business and Professions Code
22 is amended to read:

23 4999.50. (a) The board may issue a professional clinical
24 counselor license to any person who meets all of the following
25 requirements:

26 (1) He or she has received a master's or doctoral degree
27 described in Section 4999.32 or 4999.33, as applicable.

28 (2) He or she has completed at least 3,000 hours of supervised
29 experience in the practice of professional clinical counseling as
30 provided in Section 4999.46: *counseling*.

31 (3) He or she provides evidence of a passing score, as
32 determined by the board, on the examinations designated in Section
33 4999.53.

34 (b) An applicant for licensure who has satisfied the requirements
35 of this chapter shall be issued a license as a professional clinical
36 counselor in the form that the board may deem appropriate.
+ *counselor*.

37 (c) This section shall become operative on January 1, 2016.

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Amendment 393

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Page 64 39 ~~SEC. 51.~~
+ ~~SEC. 50.~~ Section 4999.51 of the Business and Professions Code
40 is amended to read:

Page 65 1 4999.51. ~~To qualify~~ *An applicant* for licensure as a professional
2 clinical counselor or registration as an associate, ~~applicants shall~~
3 ~~meet the board's regulatory requirements for professional clinical~~
4 ~~counselor licensure or associate registration, as applicable,~~
5 ~~including the following:~~ *associate shall satisfy the following*
+ *qualifications:*

6 ~~(a) The applicant has not~~ *Not have* committed acts or crimes
7 constituting grounds for denial of licensure under Section 480.

8 ~~(b) The board shall not issue a license or registration to any~~
9 ~~person who has~~ *Not have* been convicted of a crime in this or
10 another state or in a territory of the United States that involves
11 sexual abuse of children or who is required to register pursuant to
12 Section 290 of the Penal Code or the equivalent in another state
+ or territory.

13 ~~(c) The applicant has~~ *Have* successfully passed a state and
14 federal level criminal offender record information search conducted
15 through the Department of Justice, as follows:

16 ~~(1) The board shall direct applicants to Justice by electronically~~
17 ~~submit to the Department of Justice submitting~~ fingerprint images
18 and related *other* information ~~required by to~~ the Department of
19 Justice for the purpose of obtaining information as to the existence
20 and content of a record of state and federal level convictions and
21 arrests and information as to the existence and content of a record
22 of state or federal level arrests for which the Department of Justice
23 establishes that the person is free on bail or on his or her own
24 recognizance pending trial or appeal. *records of state and federal*
+ *convictions and arrests. The board shall request the subsequent*
+ *arrest notification service on all applicants, pursuant to Section*
+ *11105.2 of the Penal Code.*

25 ~~(2) The Department of Justice shall forward the fingerprint~~
26 ~~images and related information received pursuant to paragraph (1)~~
27 ~~to the Federal Bureau of Investigation and request a federal~~
28 ~~summary for criminal history information.~~

29 ~~(3) The Department of Justice shall review the information~~
30 ~~returned from the Federal Bureau of Investigation and compile~~
31 ~~and disseminate a response to the board pursuant to paragraph (1)~~
32 ~~of subdivision (p) of Section 11105 of the Penal Code.~~

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Amendment 405

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Page 65 33 ~~(4) The board shall request from the Department of Justice~~
34 ~~subsequent arrest notification service, pursuant to Section 11105.2~~
35 ~~of the Penal Code, for each person who submitted information~~
36 ~~pursuant to paragraph (1).~~
37 ~~(5) The Department of Justice shall charge a fee sufficient to~~
38 ~~cover the cost of processing the request described in this section.~~
39 ~~SEC. 52.~~

+ ~~SEC. 51. Section 4999.52 of the Business and Professions Code~~
40 ~~is amended to read:~~

Page 66 1 4999.52. (a) Every applicant for a license as a professional
2 ~~clinical counselor shall be examined by the board. The board shall~~
3 ~~examine the candidate with regard to his or her knowledge and~~
4 ~~professional skills and his or her judgment in the utilization of~~
5 ~~appropriate techniques and methods; take one or more~~
+ ~~examinations, as determined by the board, to ascertain his or her~~
+ ~~knowledge, professional skills, and judgment in the utilization of~~
+ ~~appropriate techniques and methods of professional clinical~~
+ ~~counseling.~~

6 (b) The examinations shall be given at least twice a year at a
7 time and place and under supervision as the board may determine.

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

14 (d) The board shall not deny any applicant *admission to the*
15 *examinations* whose application for licensure is complete ~~admission~~
16 ~~to the examinations complete, as specified by paragraph (2) of~~
17 subdivision (a) of Section 4999.53, nor shall the board postpone
18 or delay ~~this the~~ examination for any applicant or delay informing
+ the candidate *applicant* of the *examination* results ~~of this~~
19 ~~examination~~, solely upon the receipt by the board of a complaint
20 alleging acts or conduct that would constitute grounds to deny
+ licensure.

21 (e) If an applicant for the examination specified by paragraph
22 (2) of subdivision (a) of Section 4999.53, who has passed the
23 California law and ethics examination, is the subject of a complaint
24 or is under board investigation for acts or conduct that, if proven

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Amendment 408

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Page 66 25 to be true, would constitute grounds for the board to deny licensure,
26 the board shall permit the applicant to take this examination, but
27 may notify the applicant that licensure will not be granted pending
28 completion of the investigation.

29 (f) Notwithstanding Section 135, the board may deny any
30 applicant who has previously failed either the California law and
31 ethics examination, or the examination specified by paragraph (2)
32 of subdivision (a) of Section 4999.53, permission to retake either
33 examination pending completion of the investigation of any
34 complaints against the applicant.

35 (g) Nothing in this section shall prohibit the board from denying
36 an applicant admission to any examination, withholding the results,
37 or refusing to issue a license to any applicant when an accusation
38 or statement of issues has been filed against the applicant pursuant
39 to Section 11503 or 11504 of the Government Code, respectively,

Page 67 1 or the application has been denied in accordance with subdivision
2 (b) of Section 485.

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

6 (i) ~~On and after January 1, 2016, if~~ the examination specified
7 by paragraph (2) of subdivision (a) of Section 4999.53 ~~shall be is~~
8 ~~not~~ passed within seven years of an applicant for licensure's initial
9 attempt.

10 (j) ~~A attempt, a~~ passing score on the clinical examination shall
11 be accepted by the board for a period of seven years from the date
12 the examination was taken. ~~The applicant shall obtain a passing~~
+ ~~score on the current version of the California law and ethics~~
13 ~~examination in order to be eligible to retake this examination.~~

14 (k) ~~An applicant for licensure shall not be eligible to participate~~
15 ~~in the examination specified by paragraph (2) of subdivision (a)~~
16 ~~of Section 4999.53, if he or she fails to obtain a passing score on~~
17 ~~this examination within seven years from his or her initial attempt.~~
18 ~~If the applicant for licensure fails to obtain a passing score within~~
19 ~~seven years of initial attempt, he or she shall obtain a passing score~~
20 ~~on the current version of the California law and ethics examination~~
21 ~~in order to be eligible to retake this examination.~~

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

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Amendment 418

Amendment 419

Amendment 420

Amendment 421

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Page 67 23 ~~SEC. 53.~~
+ SEC. 52. Section 4999.55 of the Business and Professions Code
24 is amended to read:
25 4999.55. (a) Each applicant and registrant shall obtain a
26 passing score on a board-administered California law and ethics
27 examination in order to qualify for licensure.
28 (b) A registrant shall ~~participate in~~ *take* a board-administered
29 California law and ethics examination prior to his or her registration
30 renewal.
31 ~~(c) Notwithstanding subdivision (b), an applicant who holds a~~
32 ~~registration eligible for renewal, with an expiration date no later~~
33 ~~than June 30, 2016, and who applies for renewal of that registration~~
34 ~~between January 1, 2016, and June 30, 2016, shall, if eligible, be~~
35 ~~allowed to renew the registration without first participating in the~~
36 ~~California law and ethics examination. These applicants shall~~
37 ~~participate in the California law and ethics examination in the next~~
38 ~~renewal cycle, and shall pass the examination prior to licensure or~~
39 ~~issuance of a subsequent registration number, as specified in this~~
40 ~~section.~~
Page 68 1 ~~(d)~~
+ (c) If an applicant fails the California law and ethics
2 examination, he or she may retake the examination, upon payment
3 of the required fees, without further application, except as provided
4 in subdivision ~~(e)~~: (d).
5 ~~(e)~~
+ (d) If a registrant fails to obtain a passing score on the California
6 law and ethics examination ~~described in subdivision (a)~~ within his
7 or her renewal period ~~on or after the operative date of this section~~;
8 he or she shall complete, at minimum, a 12-hour course in
9 California law and ethics ~~in order to be eligible to participate in~~
10 ~~the prior to retaking the board-administered~~ California law and
11 ethics examination. Registrants shall only take the 12-hour
12 California law and ethics course once during a renewal period.
13 The 12-hour law and ethics course required by this section shall
14 be taken through a continuing education provider as specified by
15 the board by regulation, a county, state, or governmental entity,
+ or a college or university.
16 ~~(f)~~

Amendment 422

Amendment 423

Amendment 424

Amendment 425

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Page 68 17 (e) The board shall not issue a subsequent registration number
18 unless the applicant has passed the California law and ethics
+ examination.

19 ~~(g) Notwithstanding subdivision (f), an applicant who holds or~~
20 ~~has held a registration, with an expiration date no later than January~~
21 ~~1, 2017, and who applies for a subsequent registration number~~
22 ~~between January 1, 2016, and January 1, 2017, shall, if eligible,~~
23 ~~be allowed to obtain the subsequent registration number without~~
24 ~~first passing the California law and ethics examination. These~~
25 ~~applicants shall pass the California law and ethics examination~~
26 ~~during the next renewal period or prior to licensure, whichever~~
27 ~~occurs first.~~

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

30 ~~SEC. 54.~~

+ ~~SEC. 53.~~ Section 4999.62 of the Business and Professions Code
31 is amended to read:

32 4999.62. (a) This section applies to persons who apply for
33 examination eligibility or registration on or after January 1, 2016,
34 and who do not hold a license as described in Section 4999.60.

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

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

Page 69 1 (A) (i) For an applicant who obtained his or her degree within
2 the timeline prescribed by subdivision (a) of Section 4999.33 the
3 degree shall contain no less than 60 graduate semester or 90
4 graduate quarter units of instruction.

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

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

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

Amendment 430

Amendment 431

Amendment 432

Page 69 16 (D) The required areas of study listed in subparagraphs (A) to
17 (M), inclusive, of paragraph (1) of subdivision (c) of Section
18 4999.33.

19 (i) (I) An applicant whose degree is deficient in no more than
20 six of the required areas of study listed in subparagraphs (A) to
21 (M), inclusive, of paragraph (1) of subdivision (c) of Section
22 4999.33 may satisfy those deficiencies by successfully completing
23 graduate level coursework at an accredited or approved institution,
24 as defined in Section 4999.12. Coursework taken to meet any
25 deficiencies shall be the equivalent of three semester units or four
26 and one-half quarter units of study.

27 (II) Notwithstanding subclause (I), no applicant shall be deficient
28 in the required areas of study specified in subparagraph (E) or (G)
29 of paragraph (1) of subdivision (c) of Section 4999.33.

30 (ii) An applicant who completed a course in professional
31 orientation, ethics, and law in counseling as required by
32 subparagraph (I) of paragraph (1) of subdivision (c) of Section
33 4999.33 that did not contain instruction in California law and ethics
34 shall complete an 18-hour course in California law and professional
35 ethics that includes, but is not limited to, instruction in advertising,
36 scope of practice, scope of competence, treatment of minors,
37 confidentiality, dangerous clients, psychotherapist-client privilege,
38 recordkeeping, client access to records, state and federal laws
39 relating to confidentiality of patient health information, dual
40 relationships, child abuse, elder and dependent adult abuse, online
Page 70 1 therapy, insurance reimbursement, civil liability, disciplinary
2 actions and unprofessional conduct, ethics complaints and ethical
3 standards, termination of therapy, standards of care, relevant family
4 law, and therapist disclosures to clients. An applicant shall
5 complete this coursework prior to registration as an associate.

6 (iii) An applicant who has not completed a course in professional
7 orientation, ethics, and law in counseling as required by
8 subparagraph (I) of paragraph (1) of subdivision (c) of Section
9 4999.33 shall complete this required coursework, including content
10 in California law and ethics. An applicant shall complete this
11 coursework prior to registration as an associate.

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

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Page 70 15 (A) At least 15 semester units or 22.5 quarter units of advanced
16 coursework to develop knowledge of specific treatment issues or
17 special populations. This coursework is in addition to the course
18 requirements described in subparagraph (D) of paragraph (1).

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

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

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

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

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

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

Page 71 1 (B) This coursework may be from an accredited or approved
2 school, college, or university as defined in Section 4999.12, or
3 from a continuing education provider that is acceptable to the board
4 as defined *meets qualifications specified* in Section 4999.76.
5 Undergraduate coursework shall not satisfy this requirement.

Amendment 433

6 (4) The applicant completes the following coursework not
7 already completed in his or her education from an accredited or
8 approved school, college, or university as defined in Section
9 4999.12, or from a continuing education provider that is acceptable
10 to the board as defined *described* in Section 4999.76.
11 Undergraduate coursework shall not satisfy this requirement.

Amendment 434

12 (A) At least three semester units, or 45 hours, of instruction
13 regarding the principles of mental health recovery-oriented care
14 and methods of service delivery in recovery-oriented practice
15 environments, including structured meetings with various

Page 71 16 consumers and family members of consumers of mental health
17 services to enhance understanding of their experiences of mental
18 illness, treatment, and recovery.

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

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

27 ~~SEC. 55.~~

+ SEC. 54. Section 4999.63 of the Business and Professions Code
28 is amended to read:

29 4999.63. (a) This section applies to persons who apply for
30 examination eligibility or registration on or after January 1, 2016,
31 and who hold a license as described in Section 4999.60.

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

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

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

Page 72 1 (ii) Up to 12 semester or 18 quarter units of instruction may be
2 remediated, if missing from the degree. The remediation may occur
3 while the applicant is registered as an associate.

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

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

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

Amendment 435

Amendment 436

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Page 72 15 (ii) An out-of-state applicant who has been licensed for less
16 than two years in clinical practice, as verified by the board, who
17 does not meet the practicum requirement, shall remediate the
18 requirement by demonstrating completion of a total of 280 hours
19 of face-to-face supervised clinical experience, as specified in
20 subparagraph (K) of paragraph (3) of subdivision (c) of Section
21 4999.33. Any postdegree hours gained to meet this requirement
22 are in addition to the 3,000 hours of experience required by this
23 chapter, and shall be gained while the applicant is registered with
24 the board as an associate.

25 (D) The required areas of study specified in subparagraphs (A)
26 to (M), inclusive, of paragraph (1) of subdivision (c) of Section
27 4999.33.

28 (i) (I) An applicant whose degree is deficient in no more than
29 six of the required areas of study specified in subparagraphs (A)
30 to (M), inclusive, of paragraph (1) of subdivision (c) of Section
31 4999.33 may satisfy those deficiencies by successfully completing
32 graduate level coursework at an accredited or approved institution,
33 as defined in Section 4999.12. Coursework taken to meet any
34 deficiencies shall be the equivalent of three semester units or four
35 and one-half quarter units of study.

36 (II) Notwithstanding subclause (I), no applicant shall be deficient
37 in the required areas of study specified in subparagraph (E) or (G)
38 of paragraph (1) of subdivision (c) of Section 4999.33.

39 (ii) An applicant who completed a course in professional
40 orientation, ethics, and law in counseling as required by
Page 73 1 subparagraph (I) of paragraph (1) of subdivision (c) of Section
2 4999.33 that did not contain instruction in California law and ethics
3 shall complete an 18-hour course in California law and professional
4 ethics that includes, but is not limited to, instruction in advertising,
5 scope of practice, scope of competence, treatment of minors,
6 confidentiality, dangerous clients, psychotherapist-client privilege,
7 recordkeeping, client access to records, state and federal laws
8 relating to confidentiality of patient health information, dual
9 relationships, child abuse, elder and dependent adult abuse, online
10 therapy, insurance reimbursement, civil liability, disciplinary
11 actions and unprofessional conduct, ethics complaints and ethical
12 standards, termination of therapy, standards of care, relevant family
13 law, and therapist disclosures to clients. An applicant shall
14 complete this coursework prior to registration as an associate.

Page 73 15 (iii) An applicant who has not completed a course in professional
16 orientation, ethics, and law in counseling as required by
17 subparagraph (I) of paragraph (1) of subdivision (c) of Section
18 4999.33 shall complete this required coursework, including content
19 in California law and ethics. An applicant shall complete this
20 coursework prior to registration as an associate.

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

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

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

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

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

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

Page 74 1 (C) A minimum of seven contact hours of training or coursework
2 in child abuse assessment and reporting as specified in Section 28
3 and any regulations promulgated under that section.

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

9 (E) This coursework may be from an accredited or approved
10 school, college, or university as defined in Section 4999.12, or
11 from a continuing education provider ~~that is acceptable to the board~~
12 ~~as defined~~ *described* in Section 4999.76. Undergraduate
13 coursework shall not satisfy this requirement.

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Page 74 14 (4) The applicant completes the following coursework not
15 already completed in his or her education from an accredited or
16 approved school, college, or university as defined in Section
17 4999.12, or from a continuing education provider that is acceptable
18 to the board as defined in Section 4999.76. Undergraduate
19 coursework shall not satisfy this requirement.

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

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

30 (5) An applicant may complete any units and course content
31 requirements required by subparagraph (D) of paragraph (1) or
32 paragraphs (2), (3), and (4) not already completed in his or her
33 education while registered with the board as an associate, unless
34 otherwise specified.

36 ~~SEC. 56:~~

+ SEC. 55. Section 4999.90 of the Business and Professions Code
37 is amended to read:

38 4999.90. The board may refuse to issue any registration or
39 license, or may suspend or revoke the registration or license of
40 any associate or licensed professional clinical counselor, if the
Page 75 1 applicant, licensee, or registrant has been guilty of unprofessional
2 conduct. Unprofessional conduct includes, but is not limited to,
3 the following:

4 (a) The conviction of a crime substantially related to the
5 qualifications, functions, or duties of a licensee or registrant under
6 this chapter. The record of conviction shall be conclusive evidence
7 only of the fact that the conviction occurred. The board may inquire
8 into the circumstances surrounding the commission of the crime
9 in order to fix the degree of discipline or to determine if the
10 conviction is substantially related to the qualifications, functions,
11 or duties of a licensee or registrant under this chapter. A plea or
12 verdict of guilty or a conviction following a plea of nolo contendere
13 made to a charge substantially related to the qualifications,

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Page 75 14 functions, or duties of a licensee or registrant under this chapter
 15 shall be deemed to be a conviction within the meaning of this
 16 section. The board may order any license or registration suspended
 17 or revoked, or may decline to issue a license or registration when
 18 the time for appeal has elapsed, or the judgment of conviction has
 19 been affirmed on appeal, or, when an order granting probation is
 20 made suspending the imposition of sentence, irrespective of a
 21 subsequent order under Section 1203.4 of the Penal Code allowing
 22 the person to withdraw a plea of guilty and enter a plea of not
 23 guilty, or setting aside the verdict of guilty, or dismissing the
 24 accusation, information, or indictment.

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

30 (c) Administering to himself or herself any controlled substance
 31 or using any of the dangerous drugs specified in Section 4022, or
 32 any alcoholic beverage to the extent, or in a manner, as to be
 33 dangerous or injurious to the person applying for a registration or
 34 license or holding a registration or license under this chapter, or
 35 to any other person, or to the public, or, to the extent that the use
 36 impairs the ability of the person applying for or holding a
 37 registration or license to conduct with safety to the public the
 38 practice authorized by the registration or license. The board shall
 39 deny an application for a registration or license or revoke the
 40 license or registration of any person, other than one who is licensed

Page 76 1 as a physician and surgeon, who uses or offers to use drugs in the
 2 course of performing licensed professional clinical counseling
 3 services.

4 (d) Gross negligence or incompetence in the performance of
 5 licensed professional clinical counseling services.

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

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

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Page 76 13 (g) Impersonation of another by any licensee, registrant, or
14 applicant for a license or registration, or, in the case of a licensee
15 or registrant, allowing any other person to use his or her license
16 or registration.

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

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

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

25 (k) Engaging in sexual relations with a client, or a former client
26 within two years following termination of therapy, soliciting sexual
27 relations with a client, or committing an act of sexual abuse, or
28 sexual misconduct with a client, or committing an act punishable
29 as a sexually related crime, if that act or solicitation is substantially
30 related to the qualifications, functions, or duties of a licensed
31 professional clinical counselor.

32 (l) Performing, or holding oneself out as being able to perform,
33 or offering to perform, or permitting any trainee, applicant, or
34 registrant under supervision to perform, any professional services
35 beyond the scope of the license authorized by this chapter.

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

Page 77 1 (n) Prior to the commencement of treatment, failing to disclose
2 to the client or prospective client the fee to be charged for the
3 professional services, or the basis upon which that fee will be
4 computed.

5 (o) Paying, accepting, or soliciting any consideration,
6 compensation, or remuneration, whether monetary or otherwise,
7 for the referral of professional clients. All consideration,
8 compensation, or remuneration shall be in relation to professional
9 clinical counseling services actually provided by the licensee.
10 Nothing in this subdivision shall prevent collaboration among two
11 or more licensees in a case or cases. However, no fee shall be

Page 77 12 charged for that collaboration, except when disclosure of the fee
13 has been made in compliance with subdivision (n).

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

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

21 (r) Any conduct in the supervision of a registered associate,
22 trainee, or applicant by any licensee that violates this chapter or
23 any rules or regulations adopted by the board.

24 (s) Performing or holding oneself out as being able to perform
25 professional mental health services beyond the scope of one's
26 competence, as established by one's education, training, or
27 experience. This subdivision shall not be construed to expand the
28 scope of the license authorized by this chapter.

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29 (t) Permitting a trainee, associate, or applicant under one's
30 supervision or control to perform, or permitting the trainee,
31 associate, or applicant to hold himself or herself out as competent
32 to perform, professional mental health services beyond the
33 trainee's, associate's, or applicant's level of education, training,
34 or experience.

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35 (u) The violation of any statute or regulation governing the
36 gaining and supervision of experience required by this chapter.

Page 78 1 (v) Failure to keep records consistent with sound clinical
2 judgment, the standards of the profession, and the nature of the
3 services being rendered.

4 (w) Failure to comply with the child abuse reporting
5 requirements of Section 11166 of the Penal Code.

6 (x) Failing to comply with the elder and dependent adult abuse
7 reporting requirements of Section 15630 of the Welfare and
8 Institutions Code.

9 (y) Repeated acts of negligence.

10 (z) (1) Engaging in an act described in Section 261, 286, 288a,
11 or 289 of the Penal Code with a minor or an act described in
12 Section 288 or 288.5 of the Penal Code regardless of whether the
13 act occurred prior to or after the time the registration or license
14 was issued by the board. An act described in this subdivision
15 occurring prior to the effective date of this subdivision shall

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Page 78 16 constitute unprofessional conduct and shall subject the licensee to
17 refusal, suspension, or revocation of a license under this section.
18 (2) The Legislature hereby finds and declares that protection of
19 the public, and in particular minors, from sexual misconduct by a
20 licensee is a compelling governmental interest, and that the ability
21 to suspend or revoke a license for sexual conduct with a minor
22 occurring prior to the effective date of this section is equally
23 important to protecting the public as is the ability to refuse a license
24 for sexual conduct with a minor occurring prior to the effective
25 date of this section.

26 (aa) Engaging in any conduct that subverts or attempts to subvert
27 any licensing examination or the administration of an examination
28 as described in Section 123.

29 (ab) Revocation, suspension, or restriction by the board of a
30 license, certificate, or registration to practice as a professional
31 clinical counselor, clinical social worker, educational psychologist,
32 or marriage and family therapist.

33 (ac) Failing to comply with the procedures set forth in Section
34 2290.5 when delivering health care via telehealth.

35 (ad) Willful violation of Chapter 1 (commencing with Section
36 123100) of Part 1 of Division 106 of the Health and Safety Code.

37 ~~SEC. 57.~~

+ SEC. 56. Section 124260 of the Health and Safety Code is
38 amended to read:

Page 79 39 124260. (a) As used in this section:

1 (1) "Mental health treatment or counseling services" means the
2 provision of outpatient mental health treatment or counseling by
3 a professional person, as defined in paragraph (2).

4 (2) "Professional person" means any of the following:

5 (A) A person designated as a mental health professional in
6 Sections 622 to 626, inclusive, of Title 9 of the California Code
7 of Regulations.

8 (B) A marriage and family therapist, as defined in Chapter 13
9 (commencing with Section 4980) of Division 2 of the Business
10 and Professions Code.

11 (C) A licensed educational psychologist, as defined in Chapter
12 13.5 (commencing with Section 4989.10) of Division 2 of the
13 Business and Professions Code.

14 (D) A credentialed school psychologist, as described in Section
15 49424 of the Education Code.

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Page 79 16 (E) A clinical psychologist licensed under Chapter 6.6
17 (commencing with Section 2900) of Division 2 of the Business
18 and Professions Code.

19 (F) Any of the following persons, while working under the
20 supervision of a licensed professional specified in Section 2902
21 of the Business and Professions Code:

22 (i) A registered psychologist, as defined in Section 2909.5 of
23 the Business and Professions Code.

24 (ii) A registered psychological assistant, as defined in Section
25 2913 of the Business and Professions Code.

26 (iii) A psychology trainee, as defined in Section 1387 of Title
27 16 of the California Code of Regulations.

28 (G) A licensed clinical social worker, as defined in Chapter 14
29 (commencing with Section 4991) of Division 2 of the Business
30 and Professions Code.

31 (H) An associate clinical social worker, or a social work intern,
32 as defined in Chapter 14 (commencing with Section 4991) of
33 Division 2 of the Business and Professions Code, while working
34 under the supervision of a licensed professional specified in Section
35 4996.20 of the Business and Professions Code.

37 (I) A person registered as an associate marriage and family
38 therapist or a marriage and family therapist trainee, as defined in
39 Chapter 13 (commencing with Section 4980) of Division 2 of the
40 Business and Professions Code, while working under the

Page 80 1 supervision of a licensed professional specified in subdivision (g)
2 of Section 4980.03 of the Business and Professions Code.

3 (J) A board certified, or board eligible, psychiatrist.

4 (K) A licensed professional clinical counselor, as defined in
5 Chapter 16 (commencing with Section 4999.10) of Division 2 of
6 the Business and Professions Code.

7 (L) A person registered as an associate ~~profession~~ *professional*
8 clinical counselor or a clinical counselor trainee, as defined in
9 Chapter 16 (commencing with Section 4999.10) of Division 2 of
10 the Business and Professions Code, while working under the
11 supervision of a licensed professional specified in subdivision (h)
12 of Section 4999.12 of the Business and Professions Code.

13 (b) (1) Notwithstanding any provision of law to the contrary,
14 a minor who is 12 years of age or older may consent to mental
15 health treatment or counseling services if, in the opinion of the
16 attending professional person, the minor is mature enough to

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Page 80 17 participate intelligently in the mental health treatment or counseling
18 services.

19 (2) A marriage and family therapist trainee, a clinical counselor
20 trainee, a psychology trainee, or a social work intern, as specified
21 in paragraph (2) of subdivision (a), shall notify his or her supervisor
22 or, if the supervisor is unavailable, an on-call supervisor at the site
23 where the trainee or intern volunteers or is employed within 24
24 hours of treating or counseling a minor pursuant to paragraph (1).
25 If upon the initial assessment of the minor the trainee or intern
26 believes that the minor is a danger to self or to others, the trainee
27 or intern shall notify the supervisor or, if the supervisor is
28 unavailable, the on-call supervisor immediately after the treatment
29 or counseling session.

30 (3) Nothing in paragraph (2) is intended to supplant, alter,
31 expand, or remove any other reporting responsibilities required of
32 trainees or interns under law.

33 (c) Notwithstanding any provision of law to the contrary, the
34 mental health treatment or counseling of a minor authorized by
35 this section shall include involvement of the minor's parent or
36 guardian, unless the professional person who is treating or
37 counseling the minor, after consulting with the minor, determines
38 that the involvement would be inappropriate. The professional
39 person who is treating or counseling the minor shall state in the
40 client record whether and when the person attempted to contact

Page 81 1 the minor's parent or guardian, and whether the attempt to contact
2 was successful or unsuccessful, or the reason why, in the
3 professional person's opinion, it would be inappropriate to contact
4 the minor's parent or guardian.

5 (d) The minor's parent or guardian is not liable for payment for
6 mental health treatment or counseling services provided pursuant
7 to this section unless the parent or guardian participates in the
8 mental health treatment or counseling, and then only for services
9 rendered with the participation of the parent or guardian.

10 (e) This section does not authorize a minor to receive convulsive
11 treatment or psychosurgery, as defined in subdivisions (f) and (g)
12 of Section 5325 of the Welfare and Institutions Code, or
13 psychotropic drugs without the consent of the minor's parent or
14 guardian.

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Page 81 16 ~~SEC. 58:~~
 + *SEC. 57.* No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

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To: Committee Members

Date: October 4, 2017

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Proposed 2018 Omnibus Legislation

Upon review, staff has determined that several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences require amendments. The proposed amendments are as follows:

1. Amend BPC Section 27 – Disclosure of Information on Licensees and Registrants

Background: BPC §27 requires boards and bureaus under the Department of Consumer Affairs (DCA) to disclose certain specified information. For most boards and bureaus that register pre-licensees, the law states that information must be disclosed on licensees and registrants. However, registrants are not mentioned in this Board's subsection.

Recommendation: Amend BPC §27(c)(14) to state that "The Board of Behavioral Sciences shall disclose information on its licensees and registrants."

2. Amend BPC Sections 865, 2290.5, 4990.30, 4999.14, 4999.22, 4999.48, 4999.100, and Family Code Section 6924 – Changing "Intern" title to "Associate"

Background: Legislation was signed in 2016 to change the "intern" title to "associate" for LMFT and LPCC registrants effective January 1, 2018.

Last year, general language was placed in the law stating that any reference to an "intern" shall be deemed a reference to an "associate," and staff began the process of making the title change in code sections that were already being amended in active legislation.

These amendments complete the title change in sections that were not affected by legislation last year.

Recommendation: Change the term "intern" to "associate" in sections where the change was not made via legislation last year.

3. Amend BPC Sections 4980.37, 4980.39, 4980.41, and 4999.32 – Remove Expiration Date For Accepting Degrees Begun Prior to August 1, 2012 and Completed Before December 31, 2018

Background: Educational requirements for degrees begun after August 1, 2012 or completed after December 31, 2018, are specified in BPC sections 4980.36 and 4999.33 for LMFT and LPCC applicants, respectively (new education requirements). However, the educational requirements for older degrees, contained in BPC sections 4980.37, 4980.39, and 4980.41 (for LMFT applicants) and section 4999.32 (for LPCC applicants) are still specified in law, because applicants with these older degrees will continue to apply for licensure (often because they are coming here from out-of-state, but sometimes because they need a new registration number, or took a break for a while).

Sections 4980.37, 4980.39, 4980.41, and 4999.32 are set to repeal on January 1, 2019. If that were to happen, then applicants with older degrees would need to meet the educational requirements of sections 4980.36 and 4999.33.

Staff does not believe it was the intent of the Board, when it ran legislation in 2009 to change the educational requirements for a license, to require older degrees to meet new requirements. Doing so would be exceptionally burdensome, because degree requirements have been increased from 48 to 60 semester units, and practicum hours (which cannot be remediated outside of the degree program) have also increased.

Staff believes the intent of the Board at the time it changed the educational requirements was to have schools phase-in the new education requirements based on when the applicant started school, but not to eliminate an applicant's ability to apply for licensure a few years down the road if they graduated under the older program. For these reasons, staff recommends striking the 2019 sunset date in the above-mentioned sections.

Recommendation: Amend sections 4980.37, 4980.39, 4980.41 and 4999.32 to strike the January 1, 2019 sunset date.

4. Amend BPC Sections 4980.72, 4996.17, and 4999.60 – Acceptance of Clinical Exam Score from an Out-of-State Applicant

Background: These code sections allow an applicant who obtained a license or registration in another jurisdiction to apply for licensure with the Board without taking the clinical exam if the applicant has already passed the clinical exam that is accepted by the Board, and if the out-of-state license or registration is active and in good standing.

The law currently allows the applicant to “apply for licensure” if the above conditions are met, but it would be more accurate to state that they may “qualify for licensure”.

Recommendation: Amend the term “apply for licensure” to “qualify for licensure.”

5. Amend BPC Sections 4980.78, 4980.79, 4999.62, and 4999.63 – Reference to “Supervised” Practicum for Out-of-State Applicants

Background: LMFT law for in-state applicants states that practicum must be “supervised.” LPCC law for in-state applicants references practicum as “supervised practicum or field study experience” (BPC §§4980.36, 4980.37, 4999.32, and 4999.33). However, the out-of-state education requirements simply mention “practicum,” and do not refer to practicum using the same terms as used for in-state applicants.

Recommendation: Amend the references to practicum in the LMFT and LPCC out-of-state

education requirements so that they match the references to practicum used for the in-state requirements.

6. Amend BPC Section 4992 – Minor Technical Changes

Background: This section contains a date reference that is obsolete. Staff also believes some references to the examination need minor adjustments. Under the examination restructure, the California law and ethics exam is now taken during registration. However, it is possible that an out-of-state applicant may apply for licensure without having taken the law and ethics exam, if he or she does not need to register as an intern to gain experience hours. Minor amendments are needed to account for this scenario

Recommendation: Make the following amendments to BPC §4992:

Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application ~~received after January 1, 1988,~~ shall also be accompanied by the applicable examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to ~~thean~~ examination.

Additional Amendments Proposed by Psychology Board

The Psychology Board (BOP) plans to propose amendments updating BPC sections 337 and 728 in this year's omnibus bill. These sections discuss the requirement that a psychotherapist who becomes aware that a patient had sexual contact with his or her previous psychotherapist must provide that patient with a brochure detailing his or her rights in that situation. Because this Board and Medical Board are also affected by these sections, the BOP has requested your input and approval.

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and bring to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language

Attachment B: Psychology Board Proposed Language to BPC §§337 and 728

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ATTACHMENT A
2018 OMNIBUS BILL
PROPOSED LANGUAGE

§27. PUBLIC INFORMATION

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees and registrants, ~~including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.~~

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information on its licensees and registrants.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Cannabis Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

AMEND BPC §865. DEFINITION OF SEXUAL ORIENTATION CHANGE EFFORTS

For the purposes of this article, the following terms shall have the following meanings:

(a) “Mental health provider” means a physician and surgeon specializing in the practice of psychiatry, a psychologist, a psychological assistant, intern, or trainee, a licensed marriage and family therapist, a registered [associate marriage and family therapist](#), ~~intern, or a marriage and family therapist~~ trainee, a licensed educational psychologist, a credentialed school psychologist, a licensed clinical social worker, an associate clinical social worker, a licensed professional clinical counselor, a registered [associate professional clinical counselor](#), ~~intern, or a professional clinical counselor~~ trainee, or any other person designated as a mental health professional under California law or regulation.

(b) (1) “Sexual orientation change efforts” means any practices by mental health providers that seek to change an individual’s sexual orientation. This includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

(2) “Sexual orientation change efforts” does not include psychotherapies that: (A) provide acceptance, support, and understanding of clients or the facilitation of clients’ coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (B) do not seek to change sexual orientation.

AMEND BPC §2290.5. TELEHEALTH; CONSENT REQUIREMENTS; EFFECT OF NONCOMPLIANCE ON HEALTH PRACTITIONER

(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) An [associate marriage and family therapist](#) ~~intern~~ or [marriage and family therapist](#) trainee functioning pursuant to Section 4980.43.

(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.

§4980.37. QUALIFYING DEGREE PROGRAM FOR LICENSURE OR REGISTRATION; BEGINNING GRADUATE STUDY BEFORE AUGUST 1, 2012 AND COMPLETING GRADUATE STUDY BEFORE DECEMBER 31, 2018

(a) This section shall apply to applicants for licensure or registration who ~~begin~~began graduate study before August 1, 2012, and ~~complete~~completed that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4980.36.

(b) To qualify for a license or registration, applicants shall possess a doctor's or master's degree 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 accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary 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. In order to qualify for licensure pursuant to this section, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment. The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect on individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, abuse and neglect of older and dependent adults, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(d) As an alternative to meeting the qualifications specified in subdivision (b), the board shall accept as equivalent degrees those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(e) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program that meets the educational qualifications for licensure or registration under this section shall do all of the following:

(1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, and treatment of mental disorders.

(2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.

(3) Train students specifically in the application of marriage and family relationship counseling principles and methods.

(4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.

(6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.

(7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.

(f) Educational institutions are encouraged to design the practicum required by this section to include marriage and family therapy experience in low income and multicultural mental health settings.

~~(g) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

§4980.39. ADDITIONAL COURSEWORK; INOPERATIVE JANUARY 1, 2019

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may 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.

~~(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

§4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING; INOPERATIVE JANUARY 1, 2019

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (d) of Section 4980.40:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

(A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.

(C) The current legal patterns and trends in the mental health profession.

(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.

This course may be considered as part of the 48 semester or 72 quarter unit requirements contained in Section 4980.37.

(2) 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.

(3) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37.

(4) For persons who began graduate study on or after January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(5) For persons who began graduate study during the period commencing on January 1, 1995, and ending on December 31, 2003, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. For persons who began graduate study on or after January 1, 2004, a master's or doctor's degree qualifying for licensure shall include a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(6) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychological testing. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(7) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in

psychopharmacology. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(8) The requirements added by paragraphs (6) and (7) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice and are not intended in any way to expand or restrict the scope of practice for licensed marriage and family therapists.

~~(b) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

AMEND §4980.72.

(a) This section applies to a person who is licensed outside of California and applies 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 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:

(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/qualify 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.

§4980.78. 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.

(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.

(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 [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 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.

(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.

(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, 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 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.

(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.

AMEND BPC §4990.30. PETITION FOR REINSTATEMENT OR MODIFICATION OF PENALTY

(a) A licensed marriage and family therapist, associate marriage and family therapist ~~intern~~, licensed clinical social worker, associate clinical social worker, licensed professional clinical counselor, associate professional clinical counselor ~~intern~~, or licensed educational psychologist whose license or registration has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation. The petition shall be on a form provided by the board and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order. The petition shall be verified by the petitioner who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.

(b) The licensee or registrant may file the petition on or after the expiration of the following timeframes, each of which commences on the effective date of the decision ordering the disciplinary action or, if the order of the board, or any portion of it, is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Three years for reinstatement of a license or registration that was revoked for unprofessional conduct, except that the board may, in its sole discretion, specify in its revocation order that a petition for reinstatement may be filed after two years.

(2) Two years for early termination of any probation period of three years or more.

(3) One year for modification of a condition, reinstatement of a license or registration revoked for mental or physical illness, or termination of probation of less than three years.

(c) The petition may be heard by the board itself or the board may assign the petition to an administrative law judge pursuant to Section 11512 of the Government Code.

(d) The petitioner may request that the board schedule the hearing on the petition for a board meeting at a specific city where the board regularly meets.

(e) The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition and an opportunity to present both oral and documentary evidence and argument to the board or the administrative law judge.

(f) The petitioner shall at all times have the burden of production and proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(g) The board, when it is hearing the petition itself, or an administrative law judge sitting for the board, may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time his or her license or registration was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability.

(h) The hearing may be continued from time to time as the board or the administrative law judge deems appropriate but in no case may the hearing on the petition be delayed more than 180 days from its filing without the consent of the petitioner.

(i) The board itself, or the administrative law judge if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. In a decision granting a petition reinstating a license or modifying a penalty, the board itself, or the administrative law judge, may impose any terms and conditions that the agency deems reasonably appropriate, including those set forth in Sections 823 and 4990.40. If a petition is heard by an administrative law judge sitting alone, the administrative law judge shall prepare a proposed decision and submit it to the board. The board may take action with respect to the proposed decision and petition as it deems appropriate.

(j) The petitioner shall pay a fingerprinting fee and provide a current set of his or her fingerprints to the board. The petitioner shall execute a form authorizing release to the board or its designee, of all information concerning the petitioner's current physical and mental condition. Information provided to the board pursuant to the release shall be confidential and shall not be

subject to discovery or subpoena in any other proceeding, and shall not be admissible in any action, other than before the board, to determine the petitioner's fitness to practice as required by Section 822.

(k) The board may delegate to its executive officer authority to order investigation of the contents of the petition.

(l) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or the petitioner is required to register pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(m) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

§4992. LICENSE APPLICATION; FEES

Every applicant for a license under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter. Every application ~~received after January 1, 1988,~~ shall also be accompanied by the applicable examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to ~~thean~~ examination.

AMEND §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 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 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 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 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.

AMEND BPC §4999.14. DISSEMINATION OF INFORMATION; DUTIES OF THE BOARD

The board shall do all of the following:

- (a) Communicate information about its activities, the requirements and qualifications for licensure, and the practice of professional clinical counseling to the relevant educational institutions, supervisors, professional associations, applicants, clinical counselor trainees, [interns](#)[associates](#), and the public.
- (b) Develop policies and procedures to assist educational institutions in meeting the educational qualifications of Sections 4999.32 and 4999.33.

AMEND BPC §4999.22. CONSTRUCTION WITH OTHER LAWS; NONAPPLICATION TO CERTAIN PROFESSIONALS AND EMPLOYEES

- (a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words “licensed professional clinical counselor” and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.
- (b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.
- (c) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of his or her professional practice.
- (d) This chapter shall not apply to an employee of a governmental entity or a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, college, university, or institution by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.
- (e) All persons registered as [interns](#)[associates](#) or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

§4999.32. QUALIFICATIONS FOR REGISTRATION AND EXAMINATION ELIGIBILITY; GRADUATE COURSEWORK BEGINNING BEFORE AUGUST 1, 2012 AND COMPLETED BEFORE DECEMBER 31, 2018

(a) This section shall apply to applicants for examination eligibility or registration who ~~begin~~began graduate study before August 1, 2012, and ~~complete~~completed that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-

referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience that involves direct client contact in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) (A) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(B) Notwithstanding subparagraph (A), no applicant shall be deficient in the required areas of study specified in subparagraphs (E) or (G) of paragraph (1) of subdivision (c).

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

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

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

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

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors 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, 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,

and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may 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.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

~~(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.~~

AMEND BPC §4999.48. RULES AND REGULATIONS

The board shall adopt regulations regarding the supervision of internsassociates, which 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) General responsibilities of supervisors.
- (e) The board's authority in cases of noncompliance or gross or repeated negligence by supervisors.

AMEND §4999.60.

(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 qualify](#) 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.

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

(a) This section applies to persons who apply for examination eligibility 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 or 90 graduate 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 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester or nine quarter units of [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 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 intern.

(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 intern.

(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 paragraphs (2), (3), or (4) not already completed in his or her education while registered with the board as an intern.

§4999.63. SUBSTANTIALLY EQUIVALENT EDUCATION; ADDITIONAL COURSEWORK; LICENSE HOLDER

(a) This section applies to persons who apply for examination eligibility 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 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 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester or nine quarter units of [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 [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 intern.

(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 (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 intern.

(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 intern.

(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 intern, unless otherwise specified.

AMEND BPC §4999.100.

(a) An [internassociate](#) registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The [internassociate](#) registration may be renewed a maximum of five times. Registration shall not 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 [internassociate](#) registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent [internassociate](#) registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent [internassociate](#) 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.~~

AMEND FAMILY CODE SECTION §6924.

(a) As used in this section:

(1) "Mental health treatment or counseling services" means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

- (A) A governmental agency.
- (B) A person or agency having a contract with a governmental agency to provide the services.
- (C) An agency that receives funding from community united funds.
- (D) A runaway house or crisis resolution center.
- (E) 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 Article 8 of Subchapter 3 of Chapter 1 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 Article 5 (commencing with Section 4986) of Chapter 13 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 as defined in Section 1316.5 of the Health and Safety Code.
- (F) The chief administrator of an agency referred to in paragraph (1) or (3).
- (G) A person registered as an [associate](#) marriage and family therapist ~~intern~~, 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.
- (H) A licensed professional clinical counselor, as defined in Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.
- (I) A person registered as an [associate professional](#) clinical counselor ~~intern~~, 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.

(3) "Residential shelter services" means any of the following:

- (A) The provision of residential and other support services to minors on a temporary or emergency basis in a facility that services only minors by a governmental agency, a person or agency having a contract with a governmental agency to provide these services, an agency that receives funding from community funds, or a licensed community care facility or crisis resolution center.
- (B) The provision of other support services on a temporary or emergency basis by any professional person as defined in paragraph (2).

(b) A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if both of the following requirements are satisfied:

(1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services.

(2) The minor (A) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.

(c) A professional person offering residential shelter services, whether as an individual or as a representative of an entity specified in paragraph (3) of subdivision (a), shall make his or her best efforts to notify the parent or guardian of the provision of services.

(d) The mental health treatment or counseling of a minor authorized by this section shall include involvement of the minor's parent or guardian unless, in the opinion of the professional person who is treating or counseling the minor, 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.

(e) The minor's parents or guardian are 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. The minor's parents or guardian are not liable for payment for any residential shelter services provided pursuant to this section unless the parent or guardian consented to the provision of those services.

(f) This section does not authorize a minor to receive convulsive therapy 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.

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To: Policy and Advocacy Committee **Date:** September 1, 2017
From: Rosanne Helms **Telephone:** (916) 574-7897
Legislative Analyst
Subject: **Discussion of Education Requirements to Obtain a Subsequent Registration Number**

Overview

Current licensing law requires associate marriage and family therapists, associate clinical social workers, and associate professional clinical counselors to renew their registration number each year. The registration may be renewed a maximum of five times (six years). Once they have five renewals, the individual needs to obtain a subsequent registration number if he or she has not yet completed his or her experience hours.

To obtain a subsequent registration number, the individual must do both of the following:

1. Pass the California law and ethics examination; and
2. Meet the educational requirements for registration that are currently in effect.

Potential Problems Meeting Current Educational Requirements

The law says that an individual must meet current educational requirements in order to obtain a subsequent registration number. This has not historically been a problem, because the Board's education requirements have not changed drastically for a long time. However, for LMFT and LPCC applicants who began graduate study after August 1, 2012, the education requirements changed significantly. Some of the major changes are as follows:

- Units required in degree increased from 48 semester units to 60 semester units (LMFT and LPCC).
- An increase in required number of core content areas from 9 to 13 (LPCC only).
- An increase in the required amount face-to-face supervised clinical experience in practicum from 150 hours to 280 hours. (LPCC only).

This might not be an issue if the Board interprets or clarifies the law to include the education requirements for degrees begun prior to 2012 (BPC §§4980.37 and 4999.32, which allow 48-unit degrees, nine core content areas (for LPCC applicants), and the lower practicum amount.) However, even this interpretation could be problematic for some LPCC applicants with older degrees, as LPCC law now requires the "assessment" and "diagnosis" core content areas to be included within the degree program, with no exceptions.

A second issue that exists is the situation where an individual applies for a second registration number many years after their first number expired. If the person has not practiced in several years, and the degree was obtained many years ago, there could be public protection concerns with having this applicant practice with no current education or experience.

Possible Solutions

The Board's Policy and Advocacy Committee discussed this issue at its August 2017 meeting. At the meeting, it was suggested that if an applicant had not been registered for a specified number of years, perhaps the applicant should be required to take a specified amount of coursework to refresh their knowledge and learn about current topics in the profession. Staff was directed to examine what type of coursework might be appropriate.

Attachment A shows draft language written with the input of the Board's education subject matter expert.

Attachments B through **E** show licensing law for other Boards under DCA that require extra coursework in certain circumstances. Although the circumstances of the extra coursework requirements vary in some cases to the circumstances of a second registration, these examples may provide some insight into what might work for this Board.

Additional Amendments – BPC Section 4996.28(a)(4) and (b)

Business and Professions Code (BPC) Section 4996.28(a)(4) contains an incorrect statement that needs to be corrected. It states that to renew a registration, the registrant must obtain a passing score on the California law and ethics examination.

This is not the intent of the exam restructure. It should state that to renew a registration, the registrant must participate in the California law and ethics examination each year until passed. Passage of the examination is only needed for a subsequent registration or to obtain a license. Therefore, subsection (b) has been corrected accordingly.

Recommendation

Conduct an open discussion regarding the proposed amendments. Direct staff to make any discussed changes and any non-substantive changes, and bring to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language

Attachment B: CA Board of Occupational Therapy Extra Coursework Requirements

Attachment C: CA Board of Pharmacy Extra Coursework Requirements

Attachment D: CA Dental Board Extra Coursework Requirements

Attachment E: CA Board of Accountancy Extra Coursework Requirements

**ATTACHMENT A
PROPOSED LANGUAGE**

§4984.01. ASSOCIATE REGISTRATION; DURATION; RENEWAL

(a) The marriage and family therapist internassociate 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 internassociate 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 4980.399.~~ upon meeting both of the following requirements:

(1) Passage of the California law and ethics examination described in Section 4980.399.

(2) If the applicant has not held a registration number with the Board within the five years prior to the date the application for the subsequent registration number is received, completion of xx hours of continuing education from a continuing education provider that is acceptable to the Board as defined in section 4980.54. The required xx hours must have been completed within the two years immediately preceding the application for the subsequent registration number. The xx hours must include, at a minimum, all of the following:

- i. Xx hours in cultural competency and cultural sensitivity.
- ii. Xx hours in multicultural development and cross-cultural interaction.
- iii. Xx hours in assessment, diagnosis, and prognosis.
- iv. Xx hours in California law and ethics for marriage and family therapists.

(d) An applicant who is issued a subsequent internassociate 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.

§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL

(a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a 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) 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.

(4) ~~On and after January 1, 2016, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09. Participate in the California law and ethics examination pursuant to Section 4992.09 each year until successful completion of this examination.~~

(b) A registration as an associate clinical social worker 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 associate clinical social worker registration number ~~if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number.~~ upon meeting both of the following requirements:

(1) Passage of the California law and ethics examination described in Section 4992.09.

(2) If the applicant has not held a registration number with the Board within the five years prior to the date the application for the subsequent registration number is received, completion of xx hours of continuing education from a continuing education provider that is acceptable to the Board as defined in section 4996.22. The required xx hours must have been completed within the two years immediately preceding the application for the subsequent registration number. The xx hours must include, at a minimum, the following:

- i. **Xx** hours in cultural competency and cultural sensitivity.
- ii. **Xx** hours in multicultural development and cross-cultural interaction.
- iii. **Xx** hours in assessment, diagnosis, and prognosis.
- iv. **Xx** hours in California law and ethics for clinical social workers.

(c) An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

§4999.45. ASSOCIATE EMPLOYMENT; DUTIES, RESPONSIBILITIES AND LIMITATIONS *(Moved to 4999.46.1 in AB 93)*

(a) An ~~intern~~ associate employed under this chapter shall:

- (1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an [internassociate](#).
- (2) Not be employed or volunteer in a private practice until registered as an [internassociate](#).
- (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, [as described in Section 4999.100](#).

(b) When no further renewals are possible, an applicant may apply for and obtain a subsequent [internassociate](#) registration number [as specified in section 4999.100](#), ~~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.~~

§4999.100. EXPIRATION OF ASSOCIATE REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION

- (a) An [internassociate](#) registration shall expire one year from the last day of the month in which it was issued.
- (b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:
 - (1) Apply for a renewal on a form prescribed by the board.
 - (2) Pay a renewal fee prescribed by the board.
 - (3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, ~~or~~ [and](#) whether any disciplinary action has been taken [against him or her](#) by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.
 - (4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The [internassociate](#) registration may be renewed a maximum of five times. Registration shall not 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 [internassociate](#) 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.~~ [upon meeting both of the following requirements:](#)

- [\(1\) Passage of the California law and ethics examination described in Section 4999.55.](#)

(2) If the applicant has not held a registration number with the Board within the five years prior to the date the application for the subsequent registration number is received, completion of xx hours of continuing education from a continuing education provider that is acceptable to the Board as defined in section 4999.76. The required xx hours must have been completed within the two years immediately preceding the application for the subsequent registration number. The xx hours must include, at a minimum, the following:

- i. Xx hours in cultural competency and cultural sensitivity.
- ii. Xx hours in multicultural development and cross-cultural interaction.
- iii. Xx hours in assessment, diagnosis, and prognosis.
- iv. Xx hours in California law and ethics for professional clinical counselors.

(d) An applicant who is issued a subsequent intern/associate registration number pursuant to this subdivision/section shall not be employed or volunteer in a private practice.

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

Attachment B
CA Board of Occupational Therapy
Extra Coursework Requirements

Business & Professions Code §2570.14

An initial applicant who has not been actively engaged in the practice of occupational therapy within the past five years shall provide to the board, in addition to the requirements for licensure under Section 2570.6, any of the following:

- (a) Evidence of continued competency as referred to in subdivision (b) of Section 2570.10 for the previous two-year period.
- (b) Evidence of having completed the entry-level certification examination as described in subdivision (b) of Section 2570.7 within the previous two-year period.

California Code of Regulations Title 16, Division 39§ 4161. Continuing Competency

(a) Effective January 1, 2006, each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed twenty-four (24) professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities.

- (1) One (1) hour of participation in a professional development activity qualifies for one PDU;
- (2) One (1) academic credit equals 10 PDUs;
- (3) One (1) Continuing Education Unit (CEU) equals 10 PDUs.

(b) Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Except as provided in subdivision (c), professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution, or otherwise meets all of the following criteria:

- (1) The program or activity contributes directly to professional knowledge, skill, and ability;
and
- (2) The program or activity must be objectively measurable in terms of the hours involved.

(c) PDUs may also be obtained through any or a combination of the following:

- (1) Involvement in structured special interest or study groups with a minimum of three (3) participants. Three (3) hours of participation equals one (1) PDU, with a maximum of six (6) PDUs credited per renewal period.
- (2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will receive three (3) PDUs, with a maximum of six (6) PDUs credited per renewal period.
- (3) Structured mentoring of a colleague to improve his/her skills. Twenty (20) hours of mentoring equals three (3) PDUs, with a maximum of six (6) PDUs credited per renewal period.
- (4) Supervising the fieldwork of Level II occupational therapist and occupational therapy assistant students. For each 60 hours of supervision, the practitioner will receive .5 PDU, with a maximum of twelve (12) PDUs credited per renewal period.

- (5) Publication of an article in a non-peer reviewed publication. Each article equals five (5) PDUs, with a maximum of ten (10) PDUs credited per renewal period.
- (6) Publication of an article in a peer-reviewed professional publication. Each article equals 10 PDUs, with a maximum of ten (10) PDUs credited per renewal period .
- (7) Publication of chapter(s) in occupational therapy or related professional textbook. Each chapter equals 10 PDUs, with a maximum of ten (10) PDUs credited per renewal period.
- (8) Making professional presentations at workshops, seminars and conferences. For each hour presenting, the practitioner will receive two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.
- (9) Attending a meeting of the California Board of Occupational Therapy. Each meeting attended equals two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.
- (10) Attending board outreach activities. Each presentation attended equals two (2) PDUs, with a maximum of four (4) PDUs credited per renewal period.
- (d) Partial credit will not be given for the professional development activities listed in subsection (c) and a maximum of twelve (12) PDUs may be credited for the activities listed in subsection (c).
- (e) This section shall not apply to the first license renewal following issuance of the initial license.
- (f) Of the total number of PDUs required for each renewal period, a minimum of one half of the units must be directly related to the delivery of occupational therapy services, may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.
- (g) Applicants who have not been actively engaged in the practice of occupational therapy within the past five years completing continuing competency pursuant to section 2570.14(a) of the Code to qualify for licensure shall submit evidence of meeting the continuing competency requirements by having completed, during the two year period immediately preceding the date the application was received, forty (40) PDUs that meet the requirements of subsection (b). The forty PDUs shall include:
- (1) Thirty-seven (37) PDUs directly related to the delivery of occupational therapy services which may include the scope of practice for occupational therapy practitioners or the occupational therapy practice framework;
 - (2) Three (3) PDUs related to ethical standards of practice in occupational therapy.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code.
Reference: Section 2570.10, Business and Professions Code.

Attachment C
CA Board of Pharmacy
Extra Coursework Requirements

Business and Professions Code §4200.1 Multiple Failures of License Examination; Additional Education Requirements

- (a) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination four times, and may take the California Practice Standards and Jurisprudence Examination for Pharmacists four times.
- (b) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination and the California Practice Standards and Jurisprudence Examination for Pharmacists four additional times each if he or she successfully completes, at minimum, 16 additional semester units of education in pharmacy as approved by the board.
- (c) The applicant shall comply with the requirements of Section 4200 for each application for reexamination made pursuant to subdivision (b).
- (d) An applicant may use the same coursework to satisfy the additional educational requirement for each examination under subdivision (b), if the coursework was completed within 12 months of the date of his or her application for reexamination.
- (e) For purposes of this section, the board shall treat each failing score on the pharmacist licensure examination administered by the board prior to January 1, 2004, as a failing score on both the North American Pharmacist Licensure Examination and the California Practice Standards and Jurisprudence Examination for Pharmacists.

California Code of Regulation Title 16, Division 17, §1725. Acceptable Pharmacy Coursework for Examination Candidates with Four Failed Attempts.

- (a) Coursework that meets the requirements of section 4200.1 of the Business and Professions Code is any pharmacy coursework offered by a recognized school of pharmacy.
- (b) A final examination must be a part of the course of study.
- (c) When a candidate applies for reexamination after four failed attempts, he or she shall furnish evidence of successful completion of at least 16 semester units or the equivalent of pharmacy coursework. Evidence of successful completion must be posted on a transcript from the pharmacy school sent directly to the board.

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4200.1, Business and Professions Code.

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**Attachment D
CA Dental Board
Extra Coursework Requirements**

Business and Professions Code §1633.

(a) When an applicant for a license has received a grading of 85 percent or above in any given subject, he or she shall be exempt from reexamination on that subject in subsequent examinations before the board within two years after the examination on which the applicant received the exemption.

(b) Notwithstanding Section 135, an applicant who fails to pass the examination required by Section 1632 after three attempts shall not be eligible for further reexamination until the applicant has successfully completed a minimum of 50 hours of education for each subject which the applicant failed in the applicant's last unsuccessful examination. The coursework shall be taken at a dental school approved by either the Commission on Dental Accreditation or a comparable organization approved by the board, and shall be completed within a period of one year from the date of notification of the applicant's third failure.

(c) The coursework described in subdivision (b) shall be required once for every three unsuccessful examination attempts. When the applicant applies for reexamination, he or she shall furnish proof satisfactory to the board that he or she has successfully completed the requirements of this section.

California Code of Regulations Title 16 § 1036. Remedial Education: Law and Ethics; WREB.

An applicant, who fails to pass the examination after three attempts shall not be eligible for further re-examination until the applicant has successfully completed the required additional education.

(a) The course work shall be taken at a dental school approved by the Commission on Dental Accreditation or a comparable organization approved by the Board, and shall be completed within a period of one year from the date of notification of the applicant's third failure.

(1) The course of study must be didactic, laboratory or a combination of the two. Use of patients is optional.

(2) Instruction must be provided by a faculty member of a dental school approved by the Commission on Dental Accreditation or a comparable organization approved by the Board.

(3) Pre-testing and post-testing must be part of the course of study.

(b) When an applicant applies for reexamination, he or she shall furnish evidence of successful completion of the remedial education requirements for reexamination.

(1) Evidence of successful completion must be on the "Certification of Successful Completion of Remedial Education Requirements for Re-Examination Eligibility" (Form Rev. 1), that is hereby incorporated by reference, and submitted prior to the examination.

(2) The form must be signed and sealed by the Dean of the dental school providing the remedial education course.

Note: Authority cited: Section 1614, Business and Professions Code. Reference: Section 1632.5, Business and Professions Code.

16 CCR § 1036.01. Remedial Education: Portfolio Competency Examinations.

A candidate, who fails to pass a portfolio competency examination after three attempts, shall not be eligible for further re-examination until the candidate has successfully completed the required additional education as specified in Section 1633(b) of the Business and Professions Code.

(a) The course work shall be taken at a dental school approved by the Commission on Dental Accreditation or a comparable organization approved by the Board, and shall be completed within a period of one year from the date of notification of the applicant's third failure.

(1) The course of study must be didactic, laboratory or a combination of the two. Use of patients is optional.

(2) Instruction must be provided by a faculty member of a dental school approved by the Commission on Dental Accreditation or a comparable organization approved by the Board.

(3) Pre-testing and post-testing must be part of the course of study.

(b) When an applicant applies for reexamination, he or she shall furnish evidence of successful completion of the remedial education requirements for reexamination.

(1) Evidence of successful completion must be on the "Certification of Successful Completion of Remedial Education for Portfolio Competency Re-Examination requirements for re-examination Eligibility" (Form New 08/13), that is hereby incorporated by reference, that is submitted prior to the examination.

(2) The form must be signed and sealed by the Dean of the dental school providing the remedial education course.

Note: Authority cited: Section 1614, Business and Professions Code. Reference: Section 1632.5, Business and Professions Code.

Attachment E
CA Board of Accountancy
Extra Coursework Requirements

California Code of Regulations (CCR) Title 16, Division § 12. General Experience Required Under Business and Professions Code Sections 5092 and 5093.

(a) In order to meet the experience requirement of Section 5092 or Section 5093 of the Business and Professions Code, experience must be supervised by a person holding a valid, active license or comparable authority to practice public accounting as specified in subdivision (d) of Section 5092 or subdivision (d) of Section 5093. Supervised experience means that the applicant's supervisor shall have reviewed and evaluated the applicant's qualifying work, pursuant to subsection (b) on a routine and recurring basis and shall have authority and oversight over the applicant.

(1) Experience shall be verified by the person supervising the experience and by a second person with a higher level of responsibility in the public accounting firm, private industry company, or governmental agency. If the experience is obtained in public accounting, the second person signing the verification shall be an owner of the public accounting firm holding a valid license or comparable authority to practice public accounting. If the owner of the public accounting firm or private industry company signing the verification is also the person supervising the experience, no second signature is required.

(2) Experience may not be supervised by a licensee who provides public accounting services to the applicant's employer.

(3)(A) All verifications shall be submitted to the Board on Form 11A-29 (5/11) for public accounting experience or Form 11A-29A (5/11) for private industry and governmental accounting experience, which are hereby incorporated by reference, and shall be signed under penalty of perjury.

(B) If the applicant is unable to obtain the verifications required in subsection (a)(3)(A), the Board may approve other forms of verification if they contain the information as required in subsection (a)(3)(A).

(b) The experience required by Section 5092 or Section 5093 involves providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Qualifying experience may be gained through employment in public accounting, private industry, or government. Experience acquired in academia is considered qualifying if the requirements of Section 12.1 are met.

(c) The experience required by Section 5092 or Section 5093 of the Business and Professions Code may be obtained in full-time or part-time employment provided the total experience completed by the applicant is the equivalent of at least two years of full-time employment for an applicant qualifying under Section 5092 or at least one year of full-time employment for an applicant qualifying under Section 5093. In evaluating an applicant's experience, 170 hours of part-time employment shall be considered equivalent to one month of full-time employment. (d) An applicant who is applying with experience obtained five (5) or more years prior to application and who has not passed the Uniform CPA Examination during this five-year period shall be required to complete 80 hours of continuing education, which shall meet the following requirements: (1) The 80 hours must be completed in the two years preceding approval of the application by the Board. (2) All 80 hours must meet the requirements as described in Section 87(a)(2)-(4) and Section 88. (3) Certificates of completion must be submitted to the Board and

shall contain a verification certified by a program provider representative such as a signature or seal. The certificate of completion must also delineate the subject areas, as described in Section 87(a)(2) and (3), for which the applicant may claim credit.

CCR § 12.5. Attest Experience Under Business and Professions Code Section 5095.

(a) To be authorized to sign reports on attest engagements pursuant to Business and Professions Code Section 5095, an applicant for a California Certified Public Accountant license pursuant to Business and Professions Code Sections 5087, 5092, or 5093 or holder of an unexpired, valid, active California Certified Public Accountant license issued pursuant to Business and Professions Code Sections 5087, 5092, or 5093 shall show to the satisfaction of the Board that he or she meets the requirements of this section and Business and Professions Code Section 5095. (1) Some or all of the experience required by Section 5095 and this section may be completed prior to issuance of the California Certified Public Accountant license. Any experience that would be qualifying for purposes of Section 5095 and this section may also serve as qualifying experience for purposes of Sections 5092 or 5093. To be qualifying for purposes of Section 5095 and this section, any experience obtained after issuance of the California Certified Public Accountant license must be obtained while the license is held in active status.

(2) A holder of an active California Certified Public Accountant license may commence signing reports on attest engagements upon receipt of notification from the Board that he or she has met the requirements of this section and Business and Professions Code Section 5095. A holder of an inactive California Certified Public Accountant license may apply under this section, but must convert the license to active status before commencing to sign reports on attest engagements.

(3) An applicant for the California Certified Public Accountant license who has met the requirements of this section and Business and Professions Code Section 5095 may commence signing reports on attest engagements upon license issuance.

(b) In order to meet the attest experience requirements of Section 5095 an applicant for or holder of a California Certified Public Accountant license shall show to the satisfaction of the Board that the applicant has completed a minimum of 500 hours of attest experience. This experience shall include all of the following: (1) Experience in the planning of the audit including the selection of the procedures to be performed.

(2) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions included in financial statements.

(3) Experience in the preparation of working papers in connection with the various elements of (1) and (2) above.

(4) Experience in the preparation of written explanations and comments on the work performed and its findings.

(5) Experience in the preparation of and reporting on full disclosure financial statements.

(c) Qualifying experience may be gained through employment in public accounting, private industry, or government. Experience acquired in academia is not qualifying.

(d) In order to be qualifying, experience obtained pursuant to Section 5095 of the Business and Professions Code must be supervised by a person holding a valid active license or comparable authority to provide attest services as specified in subdivision (b) of Business and Professions Code Section 5095. Supervised experience means that the applicant's supervisor shall have reviewed and evaluated the applicant's qualifying work, pursuant to subsection (b) on a routine and recurring basis and shall have authority and oversight over the applicant.

(1) Experience shall be verified by the person supervising the experience and by a second person with a higher level of responsibility in the public accounting firm, private industry

company, or governmental agency. If the experience is obtained in public accounting, the second person signing the verification shall be an owner of the public accounting firm holding a valid license or comparable authority to practice public accounting. If the owner of the public accounting firm or private industry company signing the verification is also the person supervising the experience, no second signature is required. (2) Experience may not be supervised by a licensee who provides public accounting services to the applicant's employer. (3)(A) All verifications shall be submitted to the Board on Form 11A-6A (5/11) for public accounting experience or on Form 11A-6 (5/11) for private industry or governmental accounting experience, which are hereby incorporated by reference, and shall be signed under penalty of perjury.

(B) If the applicant is unable to obtain the verifications required in subsection (d)(3)(A), the Board may approve other forms of verification if they contain the information as required in subsection (d)(3)(A). (e) In order to demonstrate the completion of qualifying experience, an applicant for or holder of a California Certified Public Accountant license may be required to appear before the Qualifications Committee to present work papers, or other evidence, substantiating that his or her experience meets the requirements of Section 5095 of the Business and Professions Code and of subsection (b) of this section.

(f) The applicant who is applying with attest experience obtained outside the United States and its territories must present work papers substantiating that such experience meets the requirements of subsection (b) and generally accepted auditing standards. Alternatively, the applicant may acquire a minimum of 500 hours of United States experience which meets the requirements of Business and Professions Code Section 5095 and subsection (b).

(g) An applicant who is applying with experience obtained five (5) or more years prior to application and who has not passed the Uniform CPA Examination during this five-year period shall be required to complete 80 hours of continuing education, which shall meet the following requirements:

(1) The 80 hours must be completed in the two years preceding approval of the application by the Board.

(2) All 80 hours must meet the requirements as described in Section 88.

(3) The 80 hours must include, at a minimum, the following:

(A) 16 hours in financial accounting standards.

(B) 16 hours in auditing standards. (C) 8 hours in compilation and review.

(D) 8 hours in other comprehensive basis of accounting. (E) 8 hours in the prevention, detection, and/or reporting of fraud affecting financial statements. (F) 24 hours in courses that meet the requirements of Section 87(a)(2) or Section 87(a)(3).

(4) Certificates of completion must be submitted to the Board and shall contain a verification certified by a program provider representative such as a signature or seal. The certificate of completion must also delineate the subject areas for which the applicant may claim credit.

(h) The experience required by Section 5092, 5093, or 5095 of the Business and Professions Code may be obtained in full-time or part-time employment provided the total experience completed by the applicant is the equivalent of at least two years of full-time employment for an applicant qualifying under Section 5092 or at least one year of full-time employment for an applicant qualifying under Section 5093. In evaluating an applicant's experience, 170 hours of part-time employment shall be considered equivalent to one month of full-time employment.

Note: Authority cited: Sections 5010 and 5095, Business and Professions Code. Reference: Section 5023, 5092, 5093 and 5095, Business and Professions Code.

CCR § 87. Basic Requirements.

(a) 80 Hours. As a condition for renewing a license in an active status, a licensee shall complete at least 80 hours of continuing education in the two-year period immediately preceding license expiration, and meet the reporting requirements described in Section

89(a). A licensee engaged in the practice of public accountancy as defined in Section 5051 of the Business and Professions Code is required to hold a license in an active status. No carryover of continuing education is permitted from one license renewal period to another.

(1) A licensee renewing a license in an active status, shall complete a minimum of 20 hours in each year of the two-year license renewal period, with a minimum of 12 hours of the required 20 hours in technical subject areas as described in subsection (a)(2).

(2) Licensees shall complete a minimum of 50 percent of the required continuing education hours in the following technical subject areas: accounting, auditing, fraud, taxation, consulting, financial planning, ethics as defined in subsection (b), regulatory review as defined in Section 87.8, computer and information technology (except for word processing), and specialized industry or government practices that focus primarily upon the maintenance and/or enhancement of the public accounting skills and knowledge needed to competently practice public accounting.

(3) Licensees may claim no more than 50 percent of the required number of continuing education hours in the following non-technical subject areas: communication skills, word processing, sales, marketing, motivational techniques, negotiation skills, office management, practice management, and personnel management.

(4) Programs in the following subject areas are not acceptable continuing education: personal growth, self-realization, spirituality, personal health and/or fitness, sports and recreation, foreign languages and cultures and other subjects which will not contribute directly to the professional competence of the licensee.

(b) Ethics Continuing Education Requirement

A licensee renewing a license in an active status shall complete four hours of the 80 hours of continuing education required pursuant to subsection (a) in an ethics course. The course subject matter shall consist of one or more of the following areas: a review of nationally recognized codes of conduct emphasizing how the codes relate to professional responsibilities; case-based instruction focusing on real-life situational learning; ethical dilemmas facing the accounting profession; or business ethics, ethical sensitivity, and consumer expectations. Programs in the following subject areas are not acceptable toward meeting this requirement: sexual harassment, workplace harassment, or workplace violence. Courses must be a minimum of one hour as described in Section 88.2.

(c) Government Auditing Continuing Education Requirement.

A licensee who engages in planning, directing, conducting substantial portions of field work, or reporting on financial or compliance audits of a governmental agency shall complete 24 hours of the 80 hours required pursuant to subsection (a) in the areas of governmental accounting, auditing or related subjects. This continuing education shall be completed in the same two-year license renewal period as the report is issued. A governmental agency is defined as any department, office, commission, authority, board, government-owned corporation, or other independent establishment of any branch of federal, state or local government. Related subjects are those which maintain or enhance the licensee's knowledge of governmental operations, laws, regulations or reports; any special requirements of governmental agencies; subjects related to the specific or unique environment in which the audited entity operates; and other auditing subjects which may be appropriate to government auditing engagements. A licensee who meets the requirements of this subsection shall be deemed to have met the requirements of subsection (d).

(d) Accounting and Auditing Continuing Education Requirement.

A licensee who engages in planning, directing, performing substantial portions of the work, or reporting on an audit, review, compilation, or attestation service, shall complete 24 hours of the 80 hours of continuing education required pursuant to subsection (a) in the course subject matter pertaining to financial statement preparation and/or reporting (whether such statements are prepared on the basis of generally accepted accounting principles or other comprehensive bases of accounting), auditing, reviews, compilations, industry accounting, attestation services, or assurance services. This continuing education shall be completed in the same two-year license renewal period as the report is issued. If no report is issued because the financial statements are not intended for use by third parties, the continuing education shall be completed in the same two-year license renewal period as the financial statements are submitted to the client.

(e) A licensee who must complete continuing education pursuant to subsections (c) and/or (d) of this section shall also complete an additional four hours of continuing education specifically related to the prevention, detection, and/or reporting of fraud affecting financial statements. This continuing education shall be part of the 80 hours of continuing education required by subsection (a), but shall not be part of the continuing education required by subsections (c) or (d).

(f) Failure to Comply.

A licensee's willful failure to comply with the requirements of this section shall constitute cause for disciplinary action pursuant to Section 5100(g) of the Accountancy Act.

Note: Authority cited: Sections 5010 and 5027, Business and Professions Code. Reference: Sections 5026, 5027, 5028 and 5051, Business and Professions Code.

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To: Policy and Advocacy Committee

Date: August 29, 2017

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Renewal of Expired Registration Number

Summary

Current law specifies actions a registrant must take to renew a registration number before its expiration. However, the law is silent on the actions needed to renew a registration number once it has expired. This proposal would specify how an expired registration number is renewed.

Existing Law

1. Allows a licensing board to appear in a criminal proceeding against a person to whom it has issued a professional license to do the following, if the crime being charged is substantially related to the qualifications, functions, or duties of a licensee (Penal Code (PC) §23):
 - a. Furnish pertinent information;
 - b. Make recommendations regarding specific conditions of probation; or
 - c. Provide any other assistance necessary to promote justice or protect the public.
2. Allows the Board jurisdiction to commence or proceed with an investigation or disciplinary action against a license or registration even if it is expired. (Business and Professions Code (BPC) §4990.33)

Problem

Although BPC §4990.33 grants the Board authority to take disciplinary action against an expired registration, it still faces difficulty taking action in some cases where a registration is expired, because current law does not specify a method by which an expired registration can be renewed. Due to this, judges, the Attorney General, and others in the legal profession dealing with Board cases do not understand that renewing an expired registration is simply a matter of submitting a renewal form and paying a fee. This leads to problems when the Attorney General's office appears on the Board's behalf in a criminal proceeding to obtain a PC 23 Order prohibiting or restricting the registrant's practice. The Superior Court judges do not understand why a PC 23 Order is necessary to prohibit or restrict the registrant's practice as the registration has expired.

Due to this issue occurring several times, the Attorney General's office and DCA Legal have recommended that the Board pursue legislation to specify how to renew an expired registration.

Proposed Solution

BPC sections 4984.01, 4996.28, and 4999.100 specify the process to renew a registration that has not expired, for MFT, ASW, and PCC registrants, respectively. To renew an unexpired registration, the registrant must fill out a renewal form, pay a renewal fee, participate in the California law and ethics exam each year (if not yet passed), and notify the Board of any convictions or disciplinary action taken by another licensing board.

Staff proposes that the law be amended to specify that the requirements to renew an expired registration be the same as those to renew an active registration as listed above.

Additional Amendments – BPC Section 4996.28(a)(4) and (c)

BPC §4996.28(a)(4) has also been amended to correct an error. Current language states that to renew a registration, the registrant must obtain a passing score on the California law and ethics exam.

This is not the intent of the exam restructure. The law should state that to renew a registration, the registrant must participate in the California law and ethics examination each year until passed. Passage of the examination is only needed to obtain a subsequent registration number or a license. Therefore, this subsections (a)(4) and (c) of section 4996.28 have been revised accordingly. Language about renewal after six years has also been added to subsection (c) to be consistent with LMFT and LPCC law.

Recommendation

Conduct an open discussion of the proposed language. Direct staff to make any discussed changes and any non-substantive changes, and submit to the Board for consideration as a legislative proposal.

Attachments

Attachment A: Proposed Language

**ATTACHMENT A
PROPOSED LANGUAGE**

§4984.01. ASSOCIATE REGISTRATION; DURATION; RENEWAL

(a) The marriage and family therapist [internassociate](#) 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 \(1\) through \(4\) 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 [internassociate](#) registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent [internassociate](#) registration number and has passed the California law and ethics examination described in Section 4980.399. An applicant who is issued a subsequent [internassociate](#) 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.~~

§4996.28. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION EXPIRATION; RENEWAL

(a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a 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) 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 by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.

~~(4) On and after January 1, 2016, obtain a passing score on the California law and ethics examination pursuant to Section 4992.09. Participate in the California law and ethics examination pursuant to Section 4992.09 each year until successful completion of this examination.~~

~~(b) An expired registration may be renewed by completing all of the actions described in paragraphs (1) through (4) of subdivision (a).~~

~~(b)(c)~~ A registration as an associate clinical social worker 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 associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of his or her application for a subsequent associate clinical social worker registration number and has passed the California law and ethics examination described in Section 4992.09. An applicant issued a subsequent associate registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

§4999.100. EXPIRATION OF ASSOCIATE REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION

(a) An internassociate registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant on or before the expiration date of the registration, shall do the following:

(1) Apply for ~~a~~ renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

~~(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) through (4) of subdivision (b).~~

~~(e)(d)~~ The internassociate registration may be renewed a maximum of five times. Registration shall not 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 internassociate registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent internassociate registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent internassociate 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.~~

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To: Policy and Advocacy Committee

Date: August 17, 2017

From: Christy Berger
Regulatory Analyst

Telephone: (916) 574-7817

Subject: Discussion of Examination Rescoring

The purpose of this agenda item is to consider a possible regulation change pertaining to candidate requests for rescoring of an examination.

Existing Law

Current statute authorizes the Board to charge candidates a \$20 fee for requesting an examination rescoring (per Business and Professions Code sections 4984.7(a)(5), 4989.68(a)(6), 4996.3(a)(5) and 4999.120(j)). The fee is also listed in regulation (Title 16, California Code of Regulations section 1816.3). However, neither statute nor regulation define “examination rescoring.”

Examination rescoring has its roots in the past when all exams were given manually, via paper and pencil. The purpose of an “examination rescoring” at that time was to hand-check for errors in Scantron processing. Now that all Board exams are administered electronically, the examination results for every single candidate are automatically double-checked by the Board’s testing vendor. Paying \$20 for a rescoring provides no benefit to a candidate who took the exam electronically. The Board does accept and respond to exam complaints filed by candidates, and if concerns are expressed about scoring, this would be investigated and addressed. No fee is required to file a complaint.

The Board currently offers the \$20 examination rescoring to candidates who took a Board-developed exam via paper and pencil. Exams are only provided via paper and pencil to those candidates who have been granted such as a disability accommodation. The attached proposed language would codify this process. The proposed language would also strike the regulation section pertaining to the \$20 fee. This section is unnecessary as the fees are set in statute.

Recommendation

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

Attachment

Proposed language

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ATTACHMENT A

PROPOSED LANGUAGE

§ 1805.08. EXAMINATION RESCORING

Candidates may request a rescoring of any board-developed examination administered via paper-and-pencil by submitting the required fee, along with a request that states the type of examination to be rescored, the date the examination to be rescored was taken, and a brief explanation of why the candidate is requesting a rescoring.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.

~~§ 1816.3. EXAMINATION RESCORING FEES~~

~~The fee for rescoring any board administered licensed marriage and family therapist, licensed clinical social worker, licensed educational psychologist, or licensed professional clinical counselor examination shall be twenty dollars (\$20.00).~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.~~

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REQUEST FOR RE-SCORING OF PAPER/PENCIL EXAMINATION RESULTS

\$20 FEE MUST ACCOMPANY THIS FORM

Make check payable to - Behavioral Sciences Fund

For Office Use Only

Use this form to request a re-score of an exam that you took via paper and pencil (provided as a testing accommodation). Exams taken on a computer will not be re-scored, as this is done automatically for each candidate. A separate form and fee of \$20 is required for each exam you want to be re-scored. Re-scoring can only be performed on exams administered within the last two (2) years under the current test vendor. Allow three (3) weeks to receive a written response. For questions, contact the Board's Exam Unit at (916) 574-7830.

(Please type or print clearly in ink)

1. BBS File Number:		2. Registration Number:	
3. Legal name: Last	First	Middle	
4. Address of Record*: Number and Street			
City		State	Zip Code
5. Is this a new address**? Yes <input type="checkbox"/> No <input type="checkbox"/>		For office use only	
		Date changed:	
6. Business Telephone:	7. Residence Telephone:	8. E-Mail Address (OPTIONAL):	

9. Mark the type of exam to be re-scored, and list the date you took the exam below:

<input type="checkbox"/> LMFT Standard Written <input type="checkbox"/> LMFT Clinical Vignette Date of Exam: _____	<input type="checkbox"/> LCSW Standard Written <input type="checkbox"/> LCSW Clinical Vignette Date of Exam: _____	<input type="checkbox"/> LEP Written Date of Exam: _____	<input type="checkbox"/> LPCC California Law and Ethics Date of Exam: _____
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-OVER-

Applicant Name: Last	First	Middle
----------------------	-------	--------

10. Explain briefly why you are requesting a re-scoring of your paper/pencil exam:

I am the person named on this form and my signature authorizes the Board to process my request for a re-scoring of my examination.

Signature of Candidate

Date

**The address you enter on this application is public information and will be placed on the Internet pursuant to Business and Professions Code Section 27. If you do not want your home or work address available to the public, please provide an alternate mailing address.*

***If you provide a new address, we will update our records accordingly.*

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To: Policy and Advocacy Committee Members **Date:** August 30, 2017
From: Christy Berger
Administrative Analyst **Telephone:** (916) 574-7817
Subject: Discussion of Application Abandonment Criteria

The purpose of this agenda item is to consider a possible regulation change pertaining to application abandonment criteria. "Abandonment" in this context describes the situation where an applicant has not taken required action on his or her pending application for at least a one-year period. At the one-year mark, the file is closed and the applicant must reapply and requalify if he or she wishes to pursue registration or licensure.

Existing Law

Current regulations specify the circumstances under which a registration or licensure application is considered "abandoned" by the applicant, and describes, in general, the repercussions of abandonment. The following circumstances are considered "abandonment" per Title 16, California Code of Regulations section 1806:

- The applicant has not completed his or her application within one year after it has been filed (this includes all required documents and information required).
- The applicant has not submitted the information required to correct an application deficiency within one year from the date of the Board's deficiency notice to the applicant.
- An applicant for licensure fails to take or retake an examination within one year of any of the following:
 - Fails to take an exam within one year after application approval;
 - Fails to retake an exam within one year after notification of failing; or
 - Fails to take the Clinical Exam within one year of passing the Law and Ethics Exam (this does not apply to registrants who have not yet applied for licensure).
- Fails to pay the initial license fee within one year after passing the Clinical Exam

An individual who abandons his or her application must submit a new application, fees, and meet current requirements if he or she still wishes to pursue the application. Depending on how long the applicant takes to reapply, much of the documentation that remains on file may not have to be resubmitted. This is determined on a case by case basis.

Proposed Changes

The attached proposed language would do all of the following:

- Move text that appears in the last line of the regulation section toward the top in order to emphasize the repercussions of abandonment.
- Delete subdivision (a), which is outdated and unnecessary. Application completion is fully covered by paragraph (b) (now re-numbered as (a)), as all application completion problems are addressed in a deficiency letter.
- Collapse the paragraphs that refer to specific examinations into one statement that encompasses all of the circumstances, thereby improving readability and understanding.

Recommendation

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

Attachment

Proposed language

ATTACHMENT
DRAFT PROPOSED REGULATORY LANGUAGE

§ 1806. ABANDONMENT OF APPLICATION

An application shall be deemed abandoned under any of ~~the following circumstances:~~ circumstances described in this section. An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.

~~(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.~~

~~(b)~~(a) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

~~(b)~~ The applicant for licensure, as defined in section 1805.01(a), does not maintain an active licensure application. An applicant maintains an “active licensure application” by participating in a required examination at least once per year. The initial one-year period shall begin on the date the applicant was sent a notification approving his or her licensure application. Subsequent one-year periods shall begin on the date the most recent examination was taken.

~~(c) Applications for licensure, as defined in section 1805.01(a), shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:~~

~~(1) The applicant fails to sit for the California law and ethics examination within one (1) year after being notified of initial eligibility to take the examination.~~

~~(2) The applicant does not retake the California law and ethics examination within one (1) year after being notified of failing the examination.~~

~~(3) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the standard written examination.~~

~~(4) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the California law and ethics examination.~~

~~(5) An applicant does not retake the clinical examination or the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing the examination.~~

~~(d)~~(c) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

~~An application submitted after a previous application has been abandoned shall be treated as a new application, requiring the applicant to pay any fees required, and to meet current requirements.~~

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To: Policy and Advocacy Committee Members **Date:** August 31, 2017
From: Christy Berger **Telephone:** (916) 574-7817
Regulatory Analyst
Subject: Discussion of LEP Experience Requirements

The purpose of this agenda item is to consider a possible regulatory change pertaining to the experience and documentation required to become a Licensed Educational Psychologist (LEP).

Existing Law

LEP applicants are required to have a total of three (3) years of experience to qualify for licensure¹ as follows:

Category A. Two (2) years of full-time (unsupervised) experience as a credentialed school psychologist².

AND

Category B. One (1) year of supervised experience in an accredited school psychology degree program;

OR

Category C. One (1) year of full-time experience as a credentialed school psychologist under the direction of an LEP or Licensed Psychologist² (implied supervision).

LEP experience requirements differ significantly from the other professions regulated by the Board. For example, the two (2) years of experience listed in category "A" above must be gained while holding a credential as a school psychologist, and must take place in a school setting. This may be why LEP law does not require this portion of the experience to be supervised, and does not require registration with the Board. The same is true for the one additional year of experience listed in category "C" above.

The one year of supervised experience listed in category "B" above must take place in an accredited school psychology degree program, and IS required to be supervised. Although BBS law does not specify who must supervise, the Commission on Teacher Credentialing (CTC)

¹ Per Business and Professions Code section 4989.20

² Part-time experience may be accumulated if obtained within six (6) years.

requires supervision by a credentialed school psychologist who has at least two (2) years of full-time experience. At least 1,200 hours of supervised experience is required in order to complete the degree program, and a written plan for supervision is required. See Attachment C for further details on CTC degree accreditation requirements.

Functions Performed by School Psychologists

Categories A and C require experience as a credentialed school psychologist. According to the CTC, school psychologists perform the following functions:

- Developing and implementing prevention as well as intervention programs for individuals and groups of pupils
- Consultation with school staff and parents
- Counseling (individual, group, class, and crisis with pupils and parents)
- Screening and assessment
- Coordination of resources and programs
- Interdisciplinary team membership
- Assessing the effectiveness of instructional and behavioral interventions for individuals and groups of pupils

Problems Identified

Categories A, B and C:

- *Staff reports that experience has historically been, and continues to be, evaluated on a “school-year” basis (8 months). However, this is not stated in law and should be clarified based on the required school year length specified in the California Education Code.*
- *Staff reports that “full-time” is assumed to be equal to at least 32 hours per week. However, this is not stated in law and should be clarified. Equivalent “part-time” experience has also not been defined.*
- *The type of documentation necessary to verify required experience is not specified in law.*

Category B:

Basic requirements for supervisors of experience gained in an accredited degree program are specified by the CTC, which requires two (2) years of full-time experience as a school psychologist. However, the laws do not address dual relationships or explicitly require the supervisor’s credential to be current and valid and not under suspension or probation.

Category C:

Experience as a school psychologist must be obtained under the “direction” (not supervision) of an LEP or licensed Psychologist. However, the laws do not address dual relationships or require the license of the individual directing the experience to be current and valid and not under suspension or probation.

Proposed Regulatory Changes

The proposed regulations would amend Title 16, California Code of Regulations section 1856, which addresses the required experience for LEP licensure as follows:

1. Improve Readability and Provide Clarification: Divide the regulation into three subdivisions (a, b and c), each of which would pertain to the three different experience categories outlined in BPC section 4989.20. This is necessary because each experience category is somewhat different, and clarification of certain aspects of each category's requirements would be helpful for applicants and staff.
2. Specify Required Documentation: Define the documentation that must be submitted to the Board to verify experience and coursework.
3. Specify Requirements for Individuals Overseeing Experience: Require an individual who "supervises" or "directs" the experience listed under categories B or C to meet all of the following:
 - Possess a current and valid license or credential that was not under suspension or probation during the time the applicant was gaining experience.
 - Has not provided therapeutic services to the applicant (category C only - credential holders do not provide therapy outside of a school setting).
 - Is not related to the applicant, and is not the spouse or domestic partner of the applicant.
 - Did not have a personal or business relationship with the applicant which undermined the licensee's or credential holder's authority or effectiveness.
4. Formalize and Define "School Year": Define experience as being on a "school year" basis rather than "calendar year" as follows:
 - Section 41420 of the California Education Code requires a school year to consist of 175 days or more, which equals 35 weeks. Staff currently uses "8 months" as equivalent to a school year, but this does not have a basis in the Education Code.
 - Staff currently assumes that "full-time" is equal to 32 or more hours per week.
 - Based on the above assumptions, the experience gained full-time during one school year would equal at least 1,120 hours (35 weeks x 32 hours per week=1,120 hours).
5. Define "Full-time" and "Part-time" Equivalency: Define "full-time" experience (weekly number to be determined by the Committee) and define "equivalent part-time" experience. The following may help inform the Committee's discussion/determination:
 - LMFT, LCSW and LPCC licensure require 3,000 hours of experience gained over a minimum of 104 weeks, which would average out to 29 hours per week if completed in 104 weeks.
 - LEP experience is currently evaluated on a "school-year" basis (one year = 175 school days = 35 weeks) as follows:
 - "Full-time" is currently considered to be 32 hours per week, which equals 1,120 hours per year, and a total of 3,360 hours of experience over the entire three (3) years required.

- “Equivalent part-time” experience is currently determined by prorating hours worked on a weekly basis against a standard “full-time” week. For example, if an applicant works 16 hours per week for 35 weeks, 16 part-time hours would be divided by 32 full-time hours to obtain a percentage ($16/32=.50$). The number of weeks worked is then multiplied by the percentage to obtain the credited amount of experience ($35 \text{ weeks} \times .50=17.5 \text{ weeks}$).
- The following definitions of “full-time” may be helpful in making the determination:
 - Dental Board - 40 hours per week (16 CCR § 1042).
 - Speech-Language Pathology Board - 30 hours per week (BPC § 2532.2(c)).
 - IRS (for purposes of the ACA) - 30 hours per week, or 130 hours per month.
 - California Labor Code - 40 hours per week (§ 515(c)).

Recommendation

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

Attachments

- A. Proposed Regulatory Amendments
- B. Relevant Statutes
- C. Commission on Teacher Credentialing – *Excerpt from “Pupil Personnel Services Program Standards”*

ATTACHMENT A
PROPOSED LANGUAGE

§1856. EXPERIENCE REQUIREMENTS EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST

(a) Experience as a credentialed school psychologist, as required by section 4989.20(a)(5) of the Code, shall comply with all of the following:

(a)(1) No more than one year of experience will be granted for any 12-month period.

(2) Full-time experience is defined as [redacted] or more hours of experience per week.

(b)(3) Part time experience may be accumulated provided that the experience is equivalent to two years of full time experience and is obtained within six (6) calendar years. Equivalent part-time experience shall be determined by prorating hours worked per week against a [redacted]-hour full-time week.

(4) Applicants shall submit documentation of completed experience verified by an employee of the school or school district where the experience was gained, signed by the verifying employee under penalty of perjury. Such documentation shall include the school or school district's name, telephone number and address, the title of the position occupied by the applicant, the start and end dates of the applicant's experience, the number of hours worked per week, and the title of the verifying employee.

(c)(5) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

(6) Applicants shall submit a copy of the school psychologist credential that indicates the applicant's date of issuance.

(b) Supervised professional experience gained in an accredited school psychology program, as required by section 4989.20(a)(6)(A) of the Code, shall comply with all of the following:

(1) The pupil personnel services credential holder who supervises the applicant's experience shall meet the following requirements:

(A) Possessed a current and valid credential that was not under suspension or probation during the time the applicant was gaining the experience.

(B) Is not related to the applicant, and is not the spouse or domestic partner of the applicant.

(C) Did not have a personal or business relationship with the applicant which undermined the supervisor's authority or effectiveness.

(2) Be verified by an employee of the school, school district, or other setting where the experience was gained, and shall be signed by the verifying employee under penalty of perjury. The verification shall include the name of the work setting, the telephone number and title of the verifying employee, the dates of the applicant's experience, and the applicant's course numbers and course titles associated with the supervised experience.

(c) Experience as a credentialed school psychologist, gained under the direction of a licensed educational psychologist or licensed psychologist as required by section 4989.20(a)(6)(B) of the Code, shall comply with all of the following:

(1) The licensed educational psychologist or licensed psychologist who directs the applicant's experience shall meet the following requirements:

(A) Possessed a current and valid license that was not under suspension or probation during the time the applicant was gaining experience.

(B) Has not provided therapeutic services to the applicant, is not related to the applicant, and is not the spouse or domestic partner of the applicant.

(C) Did not have a personal or business relationship with the applicant which undermined the licensee's authority or effectiveness.

(2) No more than one year of experience will be granted for any 12-month period.

(3) Full-time experience is defined as or more hours of experience per week.

(4) Part time experience may be accumulated provided that the experience is equivalent to one year of full time experience. Equivalent part-time experience shall be determined by prorating hours worked per week against a -hour full-time week.

(5) Applicants shall submit documentation of completed experience verified by the applicant's supervisor and signed under penalty of perjury. The verification shall include the supervisor's telephone number, license type, license number, date of license issuance, and the state or jurisdiction that issued the license. The verification shall also include the name and location of the school or school district where the experience was gained, the start and end dates of the applicant's experience, and the number of hours worked per week.

(6) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

(d) "One year" of experience is equal to one school year. "One school year" is determined by the number of school days required per year by the Education Code, divided by five in order to

determine the number of weeks.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section ~~4982.20-4989.20~~, Business and Professions Code and Section 41420, Education Code.

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ATTACHMENT B

BUSINESS AND PROFESSIONS CODE

§4989.20. LICENSURE REQUIREMENTS

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) No commission of an act or crime constituting grounds for denial of licensure under Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

(5) Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.

(6) One of the following:

(A) One year of supervised professional experience in an accredited school psychology program.

(B) In addition to the requirements of paragraph (5), one year of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.

(7) Passage of an examination specified by the board.

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**Pupil Personnel Services
School Counseling, School Psychology,
School Social Work, and Child Welfare and Attendance
Program Standards**

Commission on Teacher Credentialing

**Standards Adopted
*October 2000***

Handbook Revised July 10, 2017

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III. Experience

Practica and Field experience

Supervised field experience is critical to the training of school psychologists at every stage of their development. Carefully structured and supervised experiences in schools and other appropriate settings allow trainees to observe experienced practitioners, practice initial skill development, and extend their skills. Field experience is also the primary means through which supervisors and more experienced mentors can deliver immediate and direct feedback and coaching essential to the development of professional skill and confidence. Prior to receiving a credential, professional experience and coursework are inextricably linked, and based on an explicit model of anticipated candidate development.

Definition of Terms

Practica (Singular = Practicum). Practica consists of a series of supervised experiences that occur prior to the field experience, are conducted in laboratory and or field-based settings, and provide for the application of knowledge and mastery of distinct skills.

Field experience. The field experience is the culminating experience in the training of a school psychologist. It occurs after successful completion of the practica field experience and near or after successful completion of other program course requirements.

Internship: The culminating field experience is called an “internship” when the candidate is issued an internship credential from the California Commission on Teacher Credentialing and receives a salary for services provided in a district. The types and breadth of activities the candidate obtains in the culminating field experience is the same regardless of whether or not the candidate receives a salary. Internships may be offered collaboratively by universities and school districts for prospective school psychologists. Interns are enrolled in an approved school psychology credential program while they serve under the supervision of experienced credentialed school psychologists from the district AND university trainers. During this one-year to two-year training period, each intern holds an internship credential that is granted by the Commission.

Field Experience Settings. The four basic field experience settings for school psychologists include (a) preschool, (b) elementary, (c) middle school or junior high, and (d) high school. It is expected that candidates will complete field experiences in three (3) of these four (4) settings. A total of 150 hours is required for the second and third field experience settings when combining all practica and field experiences.

Standard 25

Practica

Candidates are provided the opportunity to engage in field-based activities in all areas of professional training. Specifically, candidates are provided with practica experiences in the areas of (a) collaboration and consultation, (b) wellness promotion, (c) counseling and crisis intervention, (d) individual assessment, (e) educational planning and evaluation, (f) program planning and evaluation, (g) and research and measurement. Candidates demonstrate the ability to select and apply core knowledge regarding psychological foundations, educational foundations, and legal, ethical, and professional foundations in their work in schools.

Practica consists of a series of supervised experiences that occur prior to the field experience, are conducted in laboratory or field-based settings or both. They provide for the application of knowledge and mastery of distinct skills. There must be a systematic means of evaluating the practica experiences that seeks to ensure the acquisition of desired skills by pupils.

A minimum of 450 clock hours of practicum is required according to the following standards and guidelines:

1. A minimum of three hundred (300) clock hours in a preschool to grade 12 school setting providing direct and indirect pupil services.
2. Up to 150 hours of experience may be offered through on-campus agencies (for example, child study center, psychology clinic, relevant educational research or evaluation activities), or community agencies (for example, private schools, community mental health centers).
3. The supervision and principle responsibility for the practicum experience typically remains with faculty of the training program, in coordination with field-based professionals. Whether provided by faculty or a field-based professional, practicum supervision must be provided by an experienced (minimum of two years) professional who possesses background, training and credentials appropriate to the practicum experience.
4. Practicum is offered for academic credit, or is a part of a course for which a candidate receives credit. However organized, the experience is a direct extension of program training goals and objectives, and concurrent instruction is provided as a part of the experience.
5. All practica experiences are evaluated. Practica evaluations are appropriate to the program objectives, whether the experience is accomplished through on-campus or off-campus placements or through practical application components of separate courses. The evaluation also seeks to clarify the utility of the experience in terms of setting, supervision, and appropriateness of experiences. In this manner, the evaluation process is twofold, evaluating both the candidate's progress and the suitability of the various characteristics of the experience.

The four basic field experience settings for school psychologists include (a) preschool, (b) elementary, (c) middle school/junior high, and (d) high school. It is expected that candidates will complete a total of 450 clock hours of practica and 1,200 clock hours of culminating field experience. Although candidates are encouraged to obtain diverse field experiences, it is recognized that many candidates will accrue most of their 1,650 clock hours of field experience in one primary setting. To ensure that candidates have a breadth of field experience, candidates are required to complete a minimum of 200 clock hours across a second, third, or fourth field experience setting. These 200 hours can be accrued in both practica and the culminating field experience settings combined.

Rationale

Practica experiences are viewed as integral and essential components of professional training in school psychology. They provide opportunities for trainees to gain knowledge and skills most appropriately learned in the field, and to refine skills and clarify knowledge learned as a part of the university training program. Practica experiences must be of sufficient duration and intensity to allow for desired skill acquisition. They must also be provided in settings and under conditions appropriate to program objectives. For example, courses or practica experiences designed to develop candidate skills in the area of individual assessment and educational planning and evaluation should include some school-based practice. This allows candidates to become familiar with such activities as classroom observation, interviewing of teachers and pupils, participation on Student Study and IEP Teams, consultation and intervention planning with parents and school staff, and other activities that only occur in schools.

Questions to Consider

The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist institutions in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.

- How are candidates provided a program of individualized and supervised field experiences that gives them the opportunity to practice skills acquired in coursework?
- In what ways are candidates provided the opportunity to observe individual differences in cognitive, social, emotional and physical development by systematically observing pupils in different settings from early childhood through late adolescence?
- How do field experience settings provide candidates the opportunity to become familiar with a wide range of classroom instructional settings designed for pupils from diverse backgrounds and with different abilities from preschool through high school?
- To what extent are candidates provided the opportunity to develop effective interpersonal skills through interactions with pupils, parents, school staff and other professionals working with pupils?
- In what ways do candidates receive regular evaluations regarding their field experience performance from field- and university-based supervisors?

- How do both field supervisors and university supervisors evaluate candidates' readiness to assume the responsibilities involved in being an intern school psychologist?

Standard 26

Culminating Field Experience

During the culminating field experience, candidates have the opportunity to demonstrate the full range of skills acquired during formal training, and to acquire additional knowledge and skills most appropriately gained through supervised professional experience. Under the supervision of a credentialed school psychologist, candidates provide direct and indirect services to pupils, parents, and school staff in all areas of training.

Note: This culminating field experience is called an “internship” when the candidate is granted an Internship Credential issued from the California Commission on Teacher Credentialing and receives a salary from a school district.

A minimum of twelve hundred (1,200) clock hours of field experience is required according to the following standards and guidelines:

1. The field experience is typically completed within one (1) academic year but shall be completed within no more than two (2) consecutive academic years.
2. The field experience must include eight hundred (800) clock hours in a preschool-grade 12 school setting providing direct and indirect services to pupils.
3. Up to four hundred (400) hours of field experience may be acquired in other settings. Other acceptable field experiences may be acquired in (a) private, state-approved educational programs; (b) other appropriate mental health-related program settings involved in the education of pupils; or (c) relevant educational research or evaluation activities.
4. Supervision and principle responsibility for the field experience typically is the responsibility of the off-campus educational agency, although training program faculty provides indirect supervision.
5. A field-based professional holding a current and valid Pupil Personnel Services Credential authorizing service as a school psychologist provides intern supervision. The primary supervisor must have at least the equivalent of two (2) years of full-time experience as a school psychologist. A field experience placement site is approved by the candidate’s credential-granting institution and provides experiences that are consistent with the credential-granting institution’s training objectives. In those few instances when an appropriate field experience site is located outside of California, the field experience site supervisor must be a Nationally Certified School Psychologist, or a graduate of a program approved by the National Association of School Psychologists.

6. A written plan for the field (or intern) experience is prepared and agreed upon by representatives of the local educational agency, the field (or intern) supervisor(s), training program supervisory staff. The field experience plan is completed early in the field experience and periodically reviewed and revised. The plan identifies the field experience objectives, describes appropriate experiences for the achievement of the objectives across settings, and outlines the evaluation plan for determining the achievement of each objective. The plan also delineates the responsibilities of both the university and the local supervisory personnel.
7. Candidates receive academic credit for the field experience, and the experience is recognized primarily as a training activity with appropriate supervision by the cooperating school district. On-campus course work is reduced in proportion to the demands of the field experience.

The four basic field experience settings for school psychologists include (a) preschool, (b) elementary, (c) middle school or junior high, and (d) high school. It is expected that candidates will complete a total of 450 clock hours of practica and 1,200 clock hours of culminating field experience (called “internship” when completed for pay using an Internship Credential). Although candidates are encouraged to obtain diverse field experiences, it is recognized that many candidates will accrue most of their 1,650 clock hours of field experience in one primary setting. To ensure that candidates have a breadth of field experience, candidates are required to complete a minimum of 200 clock hours across a second, third, or fourth field experience setting. These 200 hours can be accrued in both practica and the culminating field experience (internship) settings combined.

Rationale

The field experience is critical to the development of well-trained and professional school psychologists. These 1,200 hours of supervised practice are consistent with the *Standards for Training and Field Placement Programs* established by the National Association of School Psychologists and they provide essential experiences that allows the candidate to develop competence, confidence and professional autonomy and identity. Prior to the field experience, candidates learn specific skills that are required for professional practice. During the field experience, the trainee has the opportunity to practice the skills that have been acquired, and learn those professional and interpersonal skills that can more specifically be acquired through on-the-job training. For this reason, a critical and defining characteristic of the field experience is the commitment to complete all 1,200 field experience hours in no more than two academic years. The field experience is an intense and diversified experience, as compared to a practica placements, and requires close supervision.

Questions to Consider

The following questions are designed to assist accreditation team members during training and continuing accreditation reviews. They may also assist institutions in preparing proposals for initial accreditation of programs and self-study reports for continuing accreditation.

- How consistently do candidates participate in a field experience on a full-time basis over one year, or part-time over two years, accounting for a minimum of 1200 clock hours? [Eight hundred (800) clock hours must be spent in a preschool-to grade 12-school setting providing direct and indirect services to pupils. Four hundred (400) of the 1200 hours is can be completed other appropriate settings and activities as documented by institutional records.]

- How does the school setting(s) for the field experience provide for access to pupils across a broad age range, other pupil personnel services personnel functioning within a team framework, a full range of services for all pupils, and services for those pupils who have both high and low incidence disabilities?

- To what extent has the institution made sure that field experience placements provide a broad and multifaceted experience and provide interns the opportunity to engage in the full range of activities expected of a school psychologist? These activities include but are not limited to:
 - developing and implementing prevention as well as intervention programs for individuals and groups of pupils;
 - consultation (with school staff and parents);
 - counseling, (individual, group, class, and crisis with pupils and parents);
 - screening and assessment;
 - coordination of resources, programs;
 - opportunities for interdisciplinary team membership;
 - opportunities to assess the effectiveness of instructional and behavioral interventions for individuals and groups of pupils;
 - opportunities to work with pupils from diverse socioeconomic, ethnic, and cultural backgrounds; and
 - opportunities for professional development (professional conferences and in-service training).

- How specific and clearly written is the candidate’s plan for the field experience, describing the objectives, the evaluation plan and supervisory responsibilities of both field and university personnel?

- How consistently do interns receive a minimum of two hours of supervision each week (prorated for part-time placements)?

Pupil Personnel Services Credential Overview

School counselors, psychologists, social workers and attendance specialists share some common training (generic competencies shared by all PPS providers) and areas of responsibility pertaining to the personal and educational development of students. At the same time, each group of specialists has a distinct, primary function in the school. Pupil personnel professionals will acquire common and unique knowledge and skills in their chosen area of specialization. However, the principal emphasis should be helping each pupil to be successful in school. All programs should be designed in concert with the educational views of other members of the school staff and community: teachers, administrators, parents and key social agencies.

In order to achieve greater depth of preparation in the distinct PPS specializations that are set forth in the Commission requirements, and concurrently to facilitate understanding and the cooperative interaction between the several PPS specializations, all programs consist of the following two major components: (1) a generic core, which gives emphasis to common PPS concepts, terminology, methods and interdisciplinary support, and (2) one, two or three advanced specializations in the areas of school counseling, school psychology and/or school social work, which are to be identified by the PPS credential candidate as a career choice upon initial enrollment in an approved program. For candidates interested in performing child welfare and attendance services, an additional program component, providing preparation in this area, may be added by the preparation institution to the forgoing three specializations.

All programs should give emphasis to interdisciplinary cooperation, support, and mutual understanding as essential elements in improving the school's services to pupils.

According to reports by the California Basic Educational Data System (California Department of Education, January 2000), there were more than 10,000 full-time pupil personnel service specialists working in California public schools. These include 6,391 school counselors; 3,568 school psychologists, and 166 school social workers. No current data are available on the number of child welfare and attendance providers because they are not included in the CBEDS database.

In 1998-99, the Commission issued over 1200 Pupil Personal Services Credentials. As of January 2001, 37 different colleges and universities offered 66 Pupil Personnel Services Credential Programs in California. About a third of the colleges and universities offering these programs offered at least two PPS programs. In January 2001 there were 34 programs in school counseling, 24 programs in school psychology, and 10 programs in school social work. Nine of the 64 programs also offered the Child Welfare and Attendance Credential. PPS Credential Programs were offered at 17 California State University campuses, 4 Universities of California and 16 private colleges and universities.

School Counselors

The primary roles of school counselors are to provide educational counseling services in grades 12 and below, including preschool, and in programs organized primarily for adults. Those services would include the following: develop, plan, implement and evaluate a school counseling and guidance program that includes academic, career, personal and social development; advocate for the high academic achievement and social development of all students; provide school-wide prevention and intervention strategies and counseling services; provide consultation, training and staff development to teachers and parents regarding students' needs; and supervise a district-approved advisory program as described in Education Code Section 49600.

The credential requirements for school counselors are: a baccalaureate degree, post-baccalaureate study consisting of a minimum of 48 semester (72 quarter) hours in a Commission-approved professional preparation program specializing in school counseling, including a practicum with school-aged children, and passage of the CBEST.

School Psychologists

The primary roles of school psychologists are to provide psychological services in grades 12 and below, including preschool, and in programs organized primarily for adults. Those services would include the following: provide services that enhance academic performance; design strategies and programs to address problems of adjustment; consult with other educators and parents on issues of social development, behavioral and academic difficulties; conduct psycho-educational assessments for purposes of identifying special needs; provide psychological counseling for individuals, groups and families; and coordinate intervention strategies for management of individual and school-wide crises.

The credential requirements for school psychologists are: a baccalaureate degree, post-baccalaureate study consisting of a minimum of 60 semester (90 quarter) hours in a Commission-approved professional preparation program specializing in school psychology, including a practicum with school-aged children, and passage of the CBEST

School Social Workers

The primary roles of school social worker are to provide social work services in grades 12 and below, including preschool, and in programs organized primarily for adults. Those services would include the following: assess home, school, personal and community factors that may affect a student's learning; identify and provide intervention strategies for children and their families, including counseling, case management, and crisis intervention; consult with teachers, administrators and other school staff regarding social and emotional needs of students; and coordinate family, school and community resources on behalf of students.

The credential requirements for school social workers are: a baccalaureate degree, post-baccalaureate study consisting of a minimum of 45 semester (60 quarter) hours in a Commission-approved professional preparation program specializing in school social work, including a practicum with school aged children, and passage of the CBEST.

Child Welfare and Attendance Supervisors

The primary roles of child welfare and attendance providers are to provide services in grades 12 and below, including preschool, and in programs organized primarily for adults. Those services would include the following: access appropriate services from both public and private providers, including law enforcement and social services; provide staff development to school personnel regarding state and federal laws pertaining to due process and child welfare and attendance laws; address school policies and procedures that inhibit academic success; implement strategies to improve student attendance; participate in school-wide reform efforts; and promote understanding and appreciation of those factors that affect the attendance of culturally-diverse student populations.

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To: Policy and Advocacy Committee Members

Date: October 9, 2017

From: Christy Berger
Regulatory Analyst

Telephone: (916) 574-7817

Subject: Add Fee for Subsequent PCCI Registrations

The first Professional Clinical Counselor Intern (PCCI) registrations were issued in January 2011. These registrations will soon be reaching their maximum allowable time span. Business and Professions Code (BPC) section 4999.45 limits an intern registration to five renewals (for a total of 6 years), but also allows for the ability to obtain a subsequent registration, which also has a maximum of six years. When staff was developing the application for subsequent registration, we found that the law which sets the intern application fee was in need of clarification.

LPCC statute sets the maximum "intern application" fee at \$150 (4999.120(b)), and regulations specify the actual fee of (\$100) for a PCCI "initial application" (Title 16, California Code of Regulations (CCR) section 1816.1(e)).

The proposed regulatory change would clarify that this fee is for both initial and subsequent intern registration applications.

Recommendation

Conduct an open discussion regarding the proposed amendment. Direct staff to make any discussed changes and any non-substantive changes, and bring to the Board for consideration as a regulatory proposal.

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ATTACHMENT

PROPOSED LANGUAGE

§ 1816.1. INITIAL LICENSE AND REGISTRATION FEES

- (a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).
- (b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).
- (c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).
- (d) The fee for initial issuance of the licensed professional clinical counselor license shall be two hundred dollars (\$200.00).
- (e) The fee for ~~initial application~~ of the professional clinical counselor intern registration application shall be one hundred dollars (\$100.00).

Note: Authority Cited: Sections 4980.60, and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, ~~4996.18~~, and 4999.120, Business and Professions Code.

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To: Committee Members

Date: October 3, 2017

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Review of Board-Sponsored and Monitored Legislation

The 2017 legislative session is now complete. The following is a summary of the outcomes for bills that the Board sponsored, supported, or monitored.

BOARD-SPONSORED LEGISLATION

The Board sponsored the following legislative proposals:

1. **AB 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision**

This bill proposal represents the work of the Board's Supervision Committee. Its amendments focus on strengthening the qualifications of supervisors, supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions.

This bill proposal was approved by the Board at its November 4, 2016 meeting. Minor technical amendments to the bill were approved at the Board's March 3, 2017 meeting.

Status: AB 93 is a two-year bill.

2. **SB 800 (Senate Business, Professions, and Economic Development Committee) Professions and Vocations (Omnibus Bill)**

This proposal, approved by the Board at its November 4, 2016 meeting, makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

Status: This bill is enrolled and is awaiting a decision by the Governor.

BOARD-SUPPORTED LEGISLATION

1. **AB 191 (Wood): Mental Health: Involuntary Treatment**

This bill adds licensed marriage and family therapists and licensed professional clinical counselors to the list of professionals who are authorized to be the secondary signatory to extend involuntary commitments, under certain circumstances.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 184, Statutes of 2017).

2. **AB 456 (Thurmond): Healing Arts: Associate Clinical Social Workers**

This bill would extend the Board’s “90-day rule” to applicants for registration as an associate clinical social worker (ASW). Currently, the 90-day rule allows applicants for registration as a marriage and family therapist intern or a professional clinical counselor intern to count post degree hours of supervised experience before receiving a registration number, as long as they apply for their intern registration within 90 days of the granting of their qualifying degree.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This is a two-year bill.

3. **AB 508 (Santiago): Health Care Practitioners: Student Loans**

This bill removes a healing art board’s ability to issue a citation and fine and its ability to deny an application for a license or renewal of a license due to the licensee or applicant being in default on a U.S. Department of Health and Human Services education loan.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 195, Statutes of 2017).

4. **AB 1116 (Grayson): Peer Support and Crisis Referral Services Act**

This bill establishes that a communication between an emergency service personnel worker and a peer support team member, crisis hotline staffer, or a crisis referral service staffer is privileged for a noncriminal proceeding to the same extent and limitations as a communication between a patient and a psychotherapist.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This is a two-year bill.

5. **AB 1188 (Nazarian): Health Professions Development: Loan Repayment**

This bill would increase the Mental Health Practitioner Education Fund fee that licensed marriage and family therapists and licensed clinical social workers pay upon license renewal

from \$10 to \$20. It would also require LPCCs to pay a \$20 fee into the fund upon renewal, and would allow LPCCs and PCC interns to apply for the loan repayment grant if they work in a mental health professional shortage area.

At its May 12, 2017 meeting, the Board took a “support if amended” position on this bill, asking for minor amendments and a delayed implementation until July 1, 2018. Since the Board meeting, the Board’s requested amendments were made, and therefore the Board now has a “support” position.

Status: This bill is enrolled and is awaiting a decision by the Governor.

6. AB 1372 (Levine): Health Professions Development: Loan Repayment

This bill allows a certified crisis stabilization unit that provides specialty mental health services, at its discretion, to provide medically necessary crisis stabilization services to individuals beyond the allowable treatment time of 24 hours under certain circumstances.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This is a two-year bill.

7. AB 1591 (Berman): Medi-Cal: Federally Qualified Health Centers and Rural Health Centers: Licensed Professional Clinical Counselor

This bill would allow Medi-Cal reimbursement for covered mental health services provided by a licensed professional clinical counselor employed by a federally qualified health center or a rural health clinic.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill is enrolled and is awaiting a decision by the Governor.

8. SB 27 (Morrell): Professions and Vocations: Licensees: Military Service

This bill would require licensing boards within the Department of Consumer Affairs (DCA) to grant fee waivers for the application for and issuance of an initial license to an applicant who has served as an active duty member of the California National Guard or the U.S. Armed Forces and was honorably discharged.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This is a two-year bill.

9. SB 244 (Lara): Privacy: Agencies: Personal Information

This bill would provide additional privacy protections for personal information that is submitted to state agencies from an applicant for public services or programs.

At its May 12, 2017 meeting, the Board took a “support” position on the May 3, 2017 version of this bill. Amendments have been made to the bill since that time, some of which may be substantive.

Status: This is a two-year bill.

10. **SB 374 (Newman): Health Insurance: Discriminatory Practices: Mental Health**

This bill grants the Department of Insurance the authority to require that large group health insurance policies and individual or small group health insurance policies must provide all covered mental health and substance use disorder benefits in compliance with federal law. This is parallel to current authority already given to the Department of Managed Health Care for its regulation of large, individual or small group health care service plans.

At its May 12, 2017 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 162, Statutes of 2017).

BOARD-MONITORED LEGISLATION

1. **AB 89 (Levine) Psychologists: Suicide Prevention Training**

This bill requires, beginning January 1, 2020, an applicant for licensure as a psychologist, or a licensed psychologist, upon renewal of his or her license, to demonstrate completion of at least six hours of coursework or supervised experience in suicide risk assessment and intervention.

At its May 12, 2017 meeting, the Board decided to remain neutral on this bill.

Status: This bill was signed by the Governor (Chapter 182, Statutes of 2017).

2. **AB 700 (Jones-Sawyer) Public Health: Alcoholism or Drug Abuse Recovery: Substance Use Disorder Counseling**

This bill would establish a career ladder for substance use disorder counselors, with classifications for substance use disorder counselor certification or registration.

At its May 12, 2017 meeting, the Board discussed the bill, and requested an amendment to clarify that Board trainees and registrants do not have to have a substance use disorder certification to engage in the practice of substance use disorder counseling. This amendment has now been made.

Status: This is a two-year bill.

3. **AB 767 (Quirk-Silva) Master Business License Act**

This bill creates a master business license system under the Governor’s Office of Business and Economic Development. It would allow a person who needs to apply for more than one business license to submit a single master application through GO-Biz, which would then distribute the application information to the various relevant licensing entities.

At its May 12, 2017 meeting, the Board decided to take a “support if amended” position on this bill, and ask that the Board be exempted from the bill’s provisions.

Status: This is a two-year bill.

4. **SB 715 (Newman) Department of Consumer Affairs: Regulatory Boards: Removal of Board Members**

This bill would allow the Governor to remove a board member appointed by him or her for failure to attend board meetings.

At its May 12, 2017 meeting, the Board decided to watch this bill.

Status: This is a two-year bill.

5. **SB 762 (Hernandez) Healing Arts Licensee: License Activation Fee: Waiver**

This bill would require all healing arts boards under the Department of Consumer Affairs (DCA) to waive the renewal fee for an inactive licensee returning to active status, if the licensee will solely be providing voluntary, unpaid services to indigent patients in medically underserved or critical-need population areas.

At its May 12, 2017 meeting, the Board took an “oppose unless amended” position on this bill, asking that it be excluded from the bill’s provisions.

Status: This is a two-year bill.

Updated: October 2, 2017

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To: Policy and Advocacy Committee Members **Date:** October 5, 2017
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7817
Subject: **Status of Rulemaking Proposals**

CURRENT REGULATORY PROPOSALS

Application Processing Times and Registrant Advertising

This proposal would amend the Board's advertising regulations in line with SB 1478 (Chapter 489, Statutes of 2016) which changes the term "intern" to "associate" effective January 1, 2018, and makes several technical changes. This proposal would also amend the regulation that sets forth minimum and maximum application processing time frames.

The final proposal was approved by the Board at its meeting in November 2016. The proposal has completed the new "initial review phase" process required by DCA, and was published in the California Regulatory Notice Register on July 7, 2017. The 45-day public comment period has ended, and the public hearing was held on August 22, 2017. The rulemaking package is currently in the final phase of the regulation process.

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 is in the new “initial review phase” process required by DCA, which can take up to four months. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.

Enforcement

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 is in the new “initial review phase” process required by DCA. Upon completion of the DCA review, the proposal will be submitted to OAL for publishing to initiate the 45-day public comment period.