

**This Agenda Item will be
Provided in a Supplemental
Package**

(Executive Officer's Report, Item b)



Board of Behavioral Sciences Quarterly Statistical Report - as of June 30, 2010

Introduction

This report provides statistical information relating to various aspects of the Board's business processes. Statistics are grouped by unit. The report relies predominantly on tables with accompanying "sparkbars," which are small graphs displaying trend over time.

Reading the Report

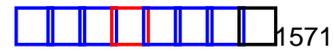
Items on the report are aggregated by quarter. The top of the column indicates the quarter and the year (Q108 = 1/2008-3/2008; Q208 = 4/2008-6/2008). Common abbreviations for licensees and registrants: LCSW = Licensed Clinical Social Worker; LEP = Licensed Educational Psychologist; MFT = Marriage and Family Therapist; ASW = Associate Clinical Social Worker; PCE = Continuing Education Provider. Other common abbreviations: Proc = Process; Def = Deficiency; CV= Clinical Vignette; AG = Attorney General.

Cashiering Unit

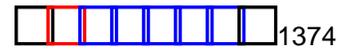
The Board's Cashiering Unit processes license renewals and applications. The approximately 85% of renewal processing occurs in the Department of Consumer Affairs Central Cashiering Unit.

Renewals Processed In-House

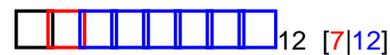
Sparkbars (Current Val) (Low/High)



[1405|1788]

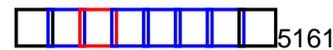


[1202|1580]

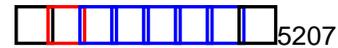


	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
Processed	1788	1456	1451	1405	1681	1524	1509	1571	12385
Received	1563	1202	1213	1325	1580	1449	1336	1374	11042
Proc Time	9	7	9	11	9	9	11	12	10

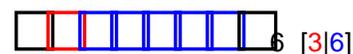
ATS Cashiering Items (e.g. exam eligibility apps, registration apps, etc)



[4246|5454]



[4143|5362]



	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
Processed	5268	4280	4246	4593	5454	4400	4624	5161	38026
Received	5237	4143	4174	4644	5362	4446	4752	5207	37965
Proc Time	4	3	4	4	4	4	6	6	4

Initial Licenses Issued*

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
 [4246 5454]	200	227	233	265	265	227	195	172	1784
 [12 34]	21	14	13	12	34	21	14	12	141
 [302 362]	362	332	312	333	305	302	314	352	2612
 [48 75]	75	50	48	73	72	68	54	65	505

*For MFT Intern and ASW registration statistics, please reference the Licensing Unit portion of the report

Enforcement Unit

The Board's Enforcement Unit investigates consumer complaints and reviews prior and subsequent arrest reports for registrants and licensees. **The pending total is a snapshot of all pending items at the close of a quarter.

Consumer Complaints

Sparkbars (Current Val) (Low/High)	Q110	Q210							Total/Avg
Received	267	247							514
Closed without Assignment for Investigation	0	0							0
Assigned for Investigation	267	247							514
Average Days at Intake - to Close or Assigned for Investigation	6	6							7
Pending - Intake	1	0							0

Convictions/Arrest Reports

	Q110	Q210							Total/Avg
Received	259	289							548
Closed / Assigned for Investigation	259	290							549
Average Days to Close	3	4							4
Pending - Intake (Convictions, etc.)	0	0							0

Desk Investigation

	Q110	Q210							Total/Avg
Initial Assignment for Desk Investigation	526	537							1063
Closed	419	549							968
Average Days to Close	104	91							97
Pending	596	583							583

Field Investigation (BBS Inv.)

	Q110	Q210							Total/Avg
Assignment for Non-Sworn Field Investigation - Board Inv. Analyst	16	10							26
Closed	9	11							20
Average Days to Close	380	424							404
Pending	55	53							53

Field Investigation (DOI)

	Q110	Q210							Total/Avg
Assignment for Sworn Field Investigation - Division of Inv.	2	3							5
Closed	6	6							12
Average Days to Close	786	591							688
Pending	20	17							17

All Investigations

	Q110	Q210							Total/Avg
Closed	434	566							1000
Average Days to Close	119	103							110
Total Pending	671	653							653

Enforcement Actions

	Q110	Q210							Total/Avg
AG Cases Initiated	21	29							50
AG Cases Pending	147	147							147
SOIs Filed	7	6							13
Accusations Filed	12	26							38
Proposed/Default Decisions Adopted	3	5							8
Stipulations Adopted	5	18							23

Disciplinary Orders

	Q110	Q210							Total/Avg
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	8	23							31
Average Days to Complete*	799	743							754

Citations

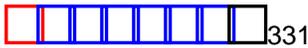
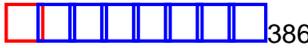
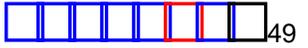
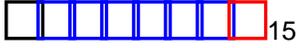
	Q110	Q210							Total/Avg
Final Citations	43	75							118
Average Days to Complete*	88	89							88

* Average days for enforcement actions are from the date the complaint was received to the effective date of the citation or disciplinary order.

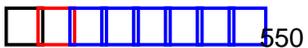
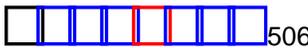
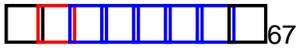
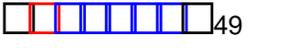
Licensing Unit

The Board's Licensing Unit evaluates applications for registration and examination eligibility. This involves verifying educational and experiential qualifications to ensure they meet requirements defined in statute and regulation.

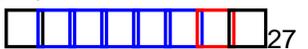
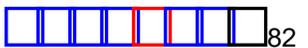
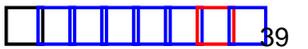
LCSW Examination Eligibility Applications

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
 331 [256 370]	256	289	316	286	312	312	370	331	2472
 386 [175 386]	175	291	297	364	279	269	318	386	2379
 49 [44 75]	75	71	63	51	45	44	50	49	56
 15 [15 48]	47	48	31	20	17	18	19	15	27

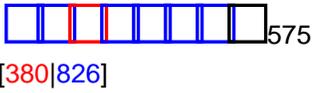
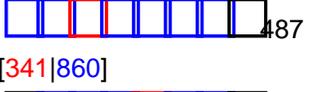
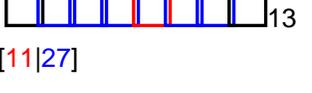
MFT Examination Eligibility Applications

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
 550 [369 550]	462	369	436	512	453	436	477	550	3695
 506 [270 506]	433	361	338	468	270	401	450	506	3227
 67 [34 80]	36	34	44	44	68	78	80	67	56
 49 [8 55]	11	8	12	17	33	50	55	49	29

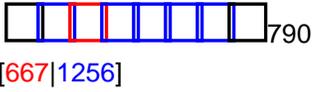
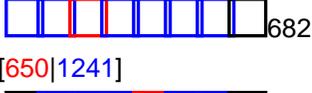
LEP Examination Eligibility Applications

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg
 28 [17 58]	34	17	26	52	58	19	22	28	256
 27 [23 56]	28	30	24	30	56	32	23	27	250
 82 [42 91]	91	82	43	44	42	67	68	82	65
 39 [13 39]	32	30	16	16	25	19	13	39	24

ASW Registration Applications

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg	
 575 [380 826]	Received	826	473	380	572	757	437	384	575	4404
 487 [341 860]	Approved	860	599	341	502	837	459	352	487	4437
 18 [18 29]	Proc Time	27	28	29	26	18	22	27	18	24
 13 [11 27]	Proc Time Less Def Lapse	24	27	21	20	11	18	19	13	19

MFT Intern Registration Applications

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total/Avg	
 790 [667 1256]	Received	1250	740	667	761	1256	679	690	790	6833
 682 [650 1241]	Approved	1241	801	650	651	1220	727	657	682	6629
 25 [18 33]	Proc Time	21	28	33	24	18	28	29	25	26
 19 [13 25]	Proc Time Less Def Lapse	17	25	25	18	13	21	22	19	20

Examination Unit

The Board's Examination Unit processes complaints and performs other administrative functions relating to the Board's examination processes.

Exam Administration

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Total
Total Exams Administered	1900	1960	1785	2100	2207	2024	1795	2237	16008
LCSW Written	329	361	378	428	373	461	450	537	3317
LCSW CV	410	451	404	422	372	413	306	384	3162
MFT Written	612	564	513	654	611	556	514	663	4687
MFT CV	512	556	466	565	799	556	499	611	4564
LEP	37	28	24	31	52	38	26	42	278

Customer Satisfaction Survey

The Board maintains a Web based customer satisfaction survey. The average scores are reported on a scale from 1 to 5.

	Q308	Q408	Q109	Q209	Q309	Q409	Q110	Q210	Avg
Overall Satisfaction	3.5	3.6	3.8	3.7	3.7	3.4	3.4	3.1	3.5
Courtesy	4.1	4.3	4.1	4.2	4.1	4.0	3.9	3.6	4.0
Accessibility	3.4	3.6	3.5	3.5	3.5	3.2	3.2	2.9	3.3
Successful Service	64	74	72	74	72	68	61	57	67
Total Respondents	176	152	210	182	232	188	213	178	201

This Agenda Item will be
Provided in a Supplemental
Package

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

To: Board Members

Date: July 20, 2010

From: Tracy Rhine
Board of Behavioral Sciences

Telephone: (916) 574-7847

Subject: Potential Modifications to Proposed Examination Process Re-Structure

Background

At the January 23, 2010 Board meeting, Board members, staff, and the audience discussed the implementation of recommendations from the Examination Program Review Committee (Committee) relating to restructuring the Board's examination process. The Committee recommended requiring Marriage and Family Therapist (MFT) Interns and Associate Clinical Social Workers (ASW) complete and pass an examination on California Law and Ethics. The framework of this examination would consist of legal and ethical issues that a recent program graduate would be reasonably expected to know.

After passage of the Law and Ethics Exam, the Committee recommended that, as a condition of licensure after reaching eligibility (i.e. completing all supervised experience and education requirements), applicants would complete and pass a new Standard Written Examination (New Standard). The framework of the New Standard would consist of practice-oriented and vignette questions with some law and ethics questions integrated as well.

Policy Questions

First, registrants will be *required* to take the Law and Ethics Examination each year in order to renew their registration number until successful completion of this examination. If the registrant does not successfully complete the Law and Ethics Examination before the end of his or her third year of registration, the registration number will automatically be cancelled. The individual will be required to prove completion of the Law and Ethics Examination before the Board will issue another registration number to the individual.

At the last Committee meeting Committee members discussed the merits of requiring the passage of the law and ethics examine within the first three years of registration. Members of the public voiced concern with the three year time frame, requesting that the Board look into allowing registrants a full six years (to coincide the length a registration number is valid) to pass the law and ethics examination. The Committee directed staff to research the average amount of time it takes for an Associate Clinical Social Worker (ASW) and a Marriage and Family Therapist (MFT) intern to obtain a license once he or she graduated and submitted a registration application. Below is a table that shows the time (in years) involved from graduation to license,

and from registration application submission to license, for three graduating classes. This study is based data collected for all 2002, 2003 and 2004 graduates that registered with the Board.

Table 1: Average Years from Graduation to License and Registration Application Submission to License

Timeframe	2002 Grads		2003 Grads		2004 Grads	
	ASW	IMF	ASW	IMF	ASW	IMF
Grad to License	4.55	4.25	3.99	3.72	3.4	3.21
Registration Application Submission to License	4.13	4.04	3.66	3.55	3.09	3.06

Second, registrants who do not pass the Law and Ethics Examination within the first year of registration will be required to complete an 18-hour law and ethics course in order to be eligible to take the examination in their second year of registration. This requirement would apply to the third year of registration as well if an individual cannot pass the Law and Ethics Examination in the second year of registration. Like any pre-licensure educational requirement, the law and ethics course could be taken through a Board-approved continuing education provider; county, state, or governmental entity; or a college or university.

The Board received a letter from the California Chapter of the National Association of Social Workers (NASW-CA) (ATTACHMENT A) dated July 12, 2010, expressing concern relating to the 18 hour law and ethics course, stating “an 18 hour time frame is too long and too costly and could result in a 3 day course. We recommend a 12 hour, two day law and ethics course.” The 18 hour course is consistent with the law and ethics course required for out-of-state applicants applying for licensure as an MFT in California. However, beginning January 1, 2010, out-of-state applicants will no longer be required to complete a specific number of hours in law and ethics but only a course in law and ethics (by an approved provider).

Recent Committee Changes to Address Board Concerns

At the May 7, 2010 Board meeting, Board-contracted psychometrician Dr. Tracy Montez raised a concern regarding the potential of an individual being dually eligible to take the Law and Ethics Examination and the New Standard. In order to address this concern, the Committee recommended requiring an individual successfully pass the Law and Ethics Examination prior to being able to take the New Standard Written Examination. Upon completion of the required supervised work experience, an individual could submit an application to qualify for the New Standard Written Examination. If the individual had yet to pass the Law and Ethics examination, that eligibility would be put on hold until successful completion of the Law and Ethics Examination. Similar to rules currently in effect for examinees, the individual’s qualifying supervised work experience would be “locked-in” provided that the person takes one examination a year until successfully completing both. This modification addresses a previously raised concern relating to the calculation of the “six-year rule” and prevents a person from taking the Law and Ethics Examination and New Standard simultaneously, as was proposed at the May 7, 2010 Board meeting.

An application of a rule similar to the current seven-year limit in existing law would be applied to the New Standard Written Examination, preservation of the seven-year rule relating to examination attempts can also be achieved by requiring an individual pass the New Standard within seven-years of his or her first attempt. If this does not occur, the individual’s eligibility to take the New Standard Written Examination would be put on hold, and the Board would require the individual pass the current version of the Law and Ethics Examination before eligibility will be re-established.

Recommendation

Conduct an open discussion regarding the time required to pass the law and ethics examination before a registration would expire and the appropriate length of a law and ethics course pursuant to this proposal. Direct staff to draft proposed legislative language to implement the examination process restructure for review at the next Licensing and Examination Committee meeting.

Attachment

- A. Letter, NASW-CA
- B. Sample Scenarios for Implementation

National Association of Social Workers

July 12, 2010

California Board of Behavioral Sciences
c/o Ms. Kim Madsen
1625 North Market St. Ste. S-200
Sacramento, CA 95834

Dear Board:

The California Chapter of the National Association of Social Workers (NASW-CA) would like to provide you with some comments on revising the examination process for MFTs and LCSWs.

NASW-CA appreciates the Board and BBS staff's collaboration on its legislation, AB 2167 (Nava), which is related to the proposal to develop a law and ethics exam to be taken prior to the taking the new standard exam. We commend the work of the BBS staff in developing the law and ethics exam restructure proposal. Some concerns that arose when the first concept was unveiled have been addressed. We support the proposal to count any experience hours a registrant might have within a 6 year period by linking it to the date the Board receives an application for the new standard exam.

We are curious about the proposal for a 3 year registration period during which the registrant must pass the new law and ethics exam and if unable to do so, take a remedial 18 hour course. If after 3 years, the registrant fails to pass the new law and ethics exam, they cannot renew their registration until she passes the law and ethics exam. This would impact those who need more than 3 years to accumulate the experience hours. Would the Board consider extending that period to 4 years to accommodate registrants who have part time jobs?

One of our chief concerns about the new proposal is the 18 hour law and ethics course. NASW-CA has extensive experience offering high quality continuing education courses in law and ethics. An 18 hour time frame is too long and too costly and could result in a 3 day course. We recommend a 12 hour, two day law and ethics course. Two days is more than enough time to cover the topic and not as costly as the 18 hour 3 day course.

Thank you for the opportunity to present these comments to you and we hope to continue the discussions with you about these important proposals.

Sincerely,



Janlee Wong, MSW
Executive Director

Attachment B - Sample Scenarios for Implementation of Proposed Examination Restructure

Scenario 1. New Registrants after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual is issued a registration number on 1/7/2012.

Year	2012	2013	2014	2015
Years Registered	0	1	2	3
Registrant Action	Individual is registered with the BBS on 1/7/2012.	Individual does not pass the examination by the expiration date of 1/31/2013.	Individual does not pass the examination by the expiration date of 1/31/2014.	Individual does not pass the examination by the expiration date of 1/31/2015.
Outcome	<p>The individual's initial registration is due to renew on 1/31/2013.</p> <p>The individual is also eligible to take the BBS Law and Ethics Exam.</p> <p>The individual must take the examination in each renewal period until passing to be eligible for renewal.</p> <p>If the individual does not pass the Law and Ethics Exam by 1/31/2013, he or she must complete a remedial 18-hour law and ethics course from a university, CE provider, or county, state, or governmental entity in order to take the exam in the next renewal cycle.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>Because the individual has not passed the Law and Ethics Exam by the end of his or her third year of registration, the registration is now automatically cancelled.</p> <p>Before issuance of a new registration number, this individual must pass the Law and Ethics Exam.</p>

Scenario 2. Current registrants after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual was issued a registration number on 1/7/2010.

Year	2012	2013	2014	2015
Years Registered	2	3	4	5
Registrant Action	Individual is due to renew registration number on 1/31/2012.	Individual does not pass the examination by the expiration date of 1/31/2013.	Individual does not pass the examination by the expiration date of 1/31/2014.	Individual does not pass the examination by the expiration date of 1/31/2015.
Outcome	<p>With the renewal notice for the 1/31/2012 expiration date, the individual receives notification of the new BBS Law and Ethics Exam.</p> <p>The individual is also automatically eligible to take the BBS Law and Ethics Exam.</p> <p>The individual must take the examination in each renewal period until passing to be eligible for renewal.</p> <p>If the individual does not pass the BBS Law and Ethics Exam by 1/31/2013, he or she must complete a remedial 18-hour law and ethics course from a university, CE provider, or county, state, or governmental entity in order to take the exam in the next renewal cycle.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>Because the individual has not passed the Law and Ethics Exam by the end of his or her third year of registration after the implementation of the new Law and Ethics exam, the registration is now automatically cancelled.</p> <p>Before applying for a new registration number, this individual must pass the Law and Ethics Exam.</p>

Scenario 3. Non-Registered Exam Candidates Who Have Yet to Pass the Old Standard Written Examination after Implementation of Proposed Structural Changes (Implementation 1/2012). Individual took and failed the Old Standard Written Examination on 3/1/2011.

Year	2012	2013
Years Registered	N/A	N/A
Registrant Action	Individual must take an exam by 3/1/2012 to maintain examination eligibility. Individual does not take Old Standard by its sunset date of 12/31/2011.	Individual takes the BBS Law and Ethics Exam on 2/1/2012 and passes the examination.
Outcome	<p>Individual is automatically eligible for the Law and Ethics examination.</p> <p>Individual must take the Law and Ethics examination by 3/1/2012 to maintain examination eligibility.</p> <p>If the individual does not take the Law and Ethics examination by 3/1/2012, the examination eligibility will be abandoned.</p>	<p>The individual is automatically eligible for the New Standard Written Examination.</p> <p>The individual must attempt the New Standard Examination by 2/1/2013. If he or she does not take the exam by this date, examination eligibility will be abandoned.</p>

Scenario 4. Non-Registered Exam Candidates Who Have Passed the Old Standard Written Examination before Implementation of Proposed Structural Changes (Implementation 1/2012). Individual took and passed the Old Standard Written Examination on 12/1/2011.

Year	2012	2013
Years Registered	N/A	N/A

Registrant Action	Individual passes Old Standard on 12/1/2011, prior to the sunset date of 12/31/2011.	Individual takes the New Standard Written Exam on 2/1/2012 and fails the examination.
Outcome	<p>Individual must take New Standard Written Exam by 12/1/2012 to maintain examination eligibility.</p> <p>The individual is automatically eligible to take the New Standard Written Exam.</p> <p>If the individual does not take the New Standard Written Exam by 12/1/2012, the examination eligibility will be abandoned.</p>	<p>The individual must now re-take the New Standard Written Examination by 2/1/2013. If he or she does not take the exam by this date, examination eligibility will be abandoned.</p> <p>From this point forward, current exam rules of taking the exam once a year to maintain eligibility apply.</p>

Scenario 5. Individual Completes All Supervised Experience Requirements Prior to Passing Law and Ethics Examination and Applies for Eligibility to Take the New Standard Written Examination

Year	2014	2015	2016	2017
Years Registered	2	3	4	5
Registrant	Individual is due to renew	Individual does not pass	Individual does not pass	Individual passes the Law

Action	<p>registration number on 1/31/2014.</p> <p>Individual has met all supervised work experience requirements, and applies for eligibility for New Standard Written Exam.</p> <p>Individual has yet to pass Law and Ethics Exam.</p>	<p>the Law and Ethics examination by the expiration date of 1/31/2015.</p>	<p>the Law and Ethics Exam in this year.</p>	<p>and Ethics Exam on February 2, 2017.</p>
Outcome	<p>The individual is granted a conditional eligibility for the New Standard Written Exam. Prior to official eligibility being granted for the New Standard Written Exam, the individual must pass the BBS Law and Ethics Exam.</p> <p>The individual must take the Law and Ethics Exam in each renewal period until passing to be eligible for renewal and maintain conditional eligibility for the New Standard Written Exam.</p> <p>The individual must submit a copy of his or her certificate proving completion of the 18-hour law and ethics course in order to take an exam in this renewal period.</p>	<p>Because the individual has not passed the Law and Ethics Exam by the end of his or her third year of registration, the registration is now automatically cancelled.</p> <p>Before issuance of a new registration number, this individual must pass the Law and Ethics Exam.</p> <p>In order to continue conditional eligibility to take the New Standard Written Exam, the individual must take the Law and Ethics Exam during this year.</p>	<p>Before issuance of a new registration number, this individual must pass the Law and Ethics Exam.</p> <p>In order to continue conditional eligibility to take the New Standard Written Exam, the individual must take the Law and Ethics Exam during this year.</p>	<p>After passing the Law and Ethics examination, the individual can now re-register with the BBS.</p> <p>Eligibility to take the New Standard Written Examination is granted.</p> <p>In order to maintain eligibility to take the New Standard Written Examination, this individual must take this examination by February 2, 2018.</p>

This Agenda Item will be
Provided in a Supplemental
Package

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
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To: Board Members **Date:** July 20, 2010

From: Tracy Rhine **Telephone:** (916) 574-7847
Assistant Executive Officer

Subject: Licensed Professional Clinical Counselors Regulations

Background

Business and Professions Code (BPC) Section 4990.20 authorizes the Board of Behavioral Sciences (BBS) to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the Business and Professions Code for which it is responsible. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) within Division 2 of the BPC and mandated the BBS implement the provisions of the new chapter. BPC Section 4999.30 prohibits any person in the State of California from practicing or advertising the performance of professional clinical counseling services without a license issued by the BBS. Furthermore, BPC Section 4999.80 mandates the BBS enforce laws designed to protect the public from incompetent, unethical or unprofessional practitioners, investigate complaints concerning the conduct of any licensed professional clinical counselors (LPCC), and take disciplinary action against licenses issued as enumerated in rules and regulations of the BBS.

The purpose of this rulemaking is to revise existing regulations to incorporate LPCC requirements and fees referenced in various sections of Chapter 16, Division 2, of the BPC. These revisions will also modify the document titled "Board of Behavioral Sciences Disciplinary Guidelines (Rev. November 2008)" referenced in Title 16 of the California Code of Regulations Section 1888. Additionally, these revisions will correct numerous erroneous authority citations and references in existing regulations that were not updated upon the Governor's approval of SB 1475 (Figueroa) on September 29, 2006, update references to new forms and revisions to previously incorporated forms, correct the title of the Bureau of Private Postsecondary Education, and correct two references to the Education Code.

Proposed Changes to Text

At its June 7, 2010 meeting the Policy and Advocacy Committee discussed the proposed language in 16 CCR Section 1820 (draft meeting minutes attached). Specifically, the Committee looked at the definition of Community Mental Health Setting as used in subparagraph (d). After Committee member discussion and public comment the Committee directed staff to make minor changes to the language to add clarity to the setting requirements. Proposed language is attached.

Additionally, the following technical and clarifying changes must be made to the rulemaking text:

1. Add BPC Section 4999.54 to the reference section of 16 CCR Section 1805 relating to examination applications; and,
2. Add “(\$180)” to 16 CCR Section 1816.8.

Recommendation

Direct staff to take all steps necessary to finalize the rulemaking process, including, modifying text as approved, and authorize the Executive Officer to make any non-substantive changes to the rulemaking package, and submit the package to OAL if no comments are received during the 15-day public comment period.

ATTACHMENTS

1. Proposed Text Modification
2. DRAFT Policy and Advocacy Committee Meeting Minutes
3. Notice of Proposed Changes in the Regulations
4. Initial Statement of Reasons
5. Proposed Regulatory Language
6. Form 399 - Economic and Fiscal Impact Statement
7. Form 399 – Attachment A
8. Form 399 – Attachment B
9. Proposed Changes to Disciplinary Guidelines
10. Proposed Form – “Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern”
11. Proposed Form – “Weekly Summary of Experience Hours for Professional Clinical Counselor Interns”
12. Proposed Revised Form – “Supervisory Plan”
13. Proposed Revised Form – “Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern”
14. Proposed Revised Form – “Responsibility Statement for Supervisors of an Associate Clinical Social Worker”
15. Proposed Revised Form – “Continuing Education Provider Application”
16. Proposed Form – “Request for Continuing Education Exception – Licensee Application”
17. Proposed Form – “Request for Continuing Education Exception Verification of Disability or Medical Condition”
18. Senate Bill 788

ATTACHMENT

Title 16 of the California Code of Regulations; Proposed Text; LPCC Rulemaking – PROPOSED MODIFIED TEXT

§1805. APPLICATIONS

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4989.20, 4987-6, 4992, and 4996.2, ~~and 4999.50 and 4999.54~~, Business and Professions Code.

§1816.8. APPLICATIONS FOR LICENSURE PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 4999.54

(a) The application fee for licensure pursuant to Business and Professions Code Section 4999.54 shall be one hundred and eighty dollars (\$180).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4999.54 and 4999.120, Business and Professions Code.

§1820 EXPERIENCE

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

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

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

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

(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with

Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.

(d) The term “community mental health setting,” as used in this article, means a clinical setting that meets all of the following requirements:

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

~~(1) A majority of clients~~ (2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

~~(2)~~ (3) Clients receive coordinated care that includes the collaboration of mental health providers; and,

~~(3)~~ (4) Is not a private practice owned by a licensed professional clinical counselor, marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, or a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.

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

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or intern shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

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

(3) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the intern's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern.

(4) The applicant or intern maintains a record of all hours of experience gained toward licensure on the “Weekly Summary of Experience Hours for Professional Clinical Counselor Interns” (form. No. 1800 37A-645 New 03/10). The record of hours must be signed by the supervisor on a weekly basis. An intern shall retain all “Weekly Summary of Experience Hours for Professional Clinical Counselor Interns” until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the

“Weekly Summary of Experience Hours for Professional Clinical Counselor Interns” as it deems necessary to verify hours of experience.

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

NOTE: Authority cited: Section 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections 4999.44, 4999.45, 4999.46, 4999.47 Business and Professions Code.

Policy and Advocacy Committee Meeting Minutes
June 7, 2010
DRAFT

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd.
2nd Floor North, Room 220
Sacramento, CA 95834

Members Present

Gordonna DiGiorgio, Chair, Public Member
Renee Lonner, LCSW Member

Members Absent

Samara Ashley, Public Member
Michael Webb, MFT Member

Guest List

On file

Staff Present

Kim Madsen, Executive Officer
Tracy Rhine, Assistant Executive Officer
James Maynard, Legal Counsel
Marsha Gove, Examination Analyst
Christy Berger, MHSA Manager
Sean O'Connor, Outreach Coordinator

Gordonna DiGiorgio called the meeting to order at 10:00 a.m. Marsha Gove called roll, and a quorum was established.

I. Introductions

Committee members, staff and audience introduced themselves.

II. Review and Approval of the April 9, 2010 Policy and Advocacy Committee Meeting Minutes

The following correction was noted: On page seven, second sentence, changed to, "The NASW representative estimated a potential pool of 600 people affected."

Renee Lonner moved to approve the April 9, 2010 Policy and Advocacy Committee Meeting minutes as amended. Gordonna DiGiorgio seconded. The Committee voted unanimously (2-0) to pass the motion.

III. Discussion of Survey Results Related to Professional Clinical Counselor Education Requirements

Roseanne Helms, Legislative and Regulatory Analyst, reported that the Board had asked 104 MFT and LCSW schools throughout California to complete a survey listing courses offered that would satisfy Licensed Professional Clinical Counselor (LPCC) licensure requirements. The Board received 43 responses.

Ms. Helms provided a summary of the types of degrees offered by responding programs. She noted that responses to the survey will be posted on the BBS website, as will the survey template for use by other schools who want to respond.

Ms. Helms reported on the 43 survey responses received to date. She spoke about courses that are required for LPCC licensure that are not contained in existing MFT and LCSW programs. Ms. Helms noted that to date only MFT and LCSW programs had been surveyed, although Board staff was working on a similar survey of LPCC programs which was targeted for distribution in June 2010.

The issue was opened for discussion.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), commented about the required LPCC courses, and shared concerns on behalf of CAMFT. She encouraged the Board to be particular about the courses that should be considered acceptable.

Sean O'Connor, Associate Governmental Program Analyst with the Board, responded that the survey was intended to obtain pertinent information regarding LPCC licensure. The information would then be posted on the Board's website for use by a prospective LPCC candidate in determining what if any coursework was lacking.

Dean Porter, California Coalition for Counselor Licensure (CCCL), expressed concern that the information posted on the Board's website might be misleading to interested parties. She encouraged Board staff to ensure that applicants have sufficiently covered each core area. Ms. Porter provided examples of her areas of concern.

Discussion followed. Ms. Lonner noted the importance of the input received from meeting participants in addressing the issue of LPCC education requirements.

Douglas Lee, CAMFT, commented about the Board's interpretation of the educational requirements, and expressed an interest in obtaining guidance from the Board in this area.

Ms. Rhine noted that the requested information was intended to assist Board staff in evaluating LPCC applications submitted during the grand-parenting period. She offered her assurances that the matter would be revisited.

Discussion continued and touched on related issues such as obtaining transcript or course information from programs or schools that are no longer in existence. Other points of discussion included the number of individuals who might be using the grand-parenting option to become licensed as an LPCC. Ms. Madsen commented that approximately

5,000 MFT and LCSW licensees could be impacted. Ms. Riemersma and Ms. Porter provided estimates pertaining to MFTs and LPCCs, respectively.

IV. Discussion and Possible Action Regarding Regulatory Package Implementing SB 788 (Wyland) Chapter 619, Statutes of 2009 Establishing Licensed Professional Clinical Counselors

A. Professional Clinical Counselor Supervisory Plan Requirement

Mr. O'Connor reported that part of the regulatory packet discussed at the Board's May 2010 meeting included a supervisory plan for LPCCs. He explained that currently only Associate Clinical Social Workers (ASW) are required to submit such documentation; MFT interns do not face the same requirement. Mr. O'Connor emphasized that the requirement pertained to the type of license being sought, not the type of license held by the supervisor. In speaking about the value of a supervisory plan, he referred board members to a list of applicable publications contained in his report. Mr. O'Connor commented further about his review of the publications.

Staff recommended conducting an open discussion among Committee members and stakeholders to discuss the benefits and problems with requiring professional clinical counselor intern (PCCI) supervisors and supervisees to complete a supervisory plan.

Discussion followed and involved topics such as the timing for submission of the supervisory plan. Ms. Riemersma noted her support for the idea of a supervisory plan, but expressed concern over the Board's involvement in this area. She asked about ramifications if the supervisory plan is not completed. Mr. O'Connor provided clarification as needed. Other meeting participants commented on issues such as the value of establishing supervisory goals, and the importance of a collaborative relationship between supervisor and supervisee in meeting those goals. One speaker thanked Mr. O'Connor for his efforts in this area, and directed him to additional research pertaining to counselor supervision.

Ms. Rhine noted that no Committee action was required unless the determination was made not to require a supervisory plan for LPCC applicants.

Renee Lonner moved to approve submission of a supervisory plan as part of the LPCC licensure requirements. Gordonna DiGiorgio seconded. The Committee voted unanimously (2-0) to pass the motion.

B. Hours of Experience Applied to Separate Licensing Requirements Simultaneously

Mr. O'Connor reported that under current law, implementation of the LPCC license creates an opportunity for individuals to pursue two mental health licenses simultaneously, most notably the LPCC and MFT licenses. He explained that existing law does not prohibit an individual from simultaneously completing the requirements for both licenses. Mr. O'Connor indicated that legislation would be required to create such a prohibition.

Mr. O'Connor recommended that an open discussion be conducted among Committee members and stakeholders regarding "double-counting" hours of experience toward both

MFT and LPCC requirements. If the determination is made to prohibit use of hours of experience toward requirements for more than one license, direct staff to draft appropriate language for consideration by the full Board.

Ms. Riemersma noted that the precedent for individuals gaining hours of experience toward both MFT and LCSW licensure has been to allow double-counting of the hours earned. She expressed concern that it would be punitive to prohibit the double-counting of hours of experience that met the requirements for both licenses. She suggested that the issue could be reviewed in the future if it were determined that a problem exists.

Ms. Porter voiced no objections on the part of CCCL to allowing the use of hours of experience toward more than one license, as appropriate. She commented briefly about the minor differences in requirements applicable to MFT versus LPCC licensure.

C. Definition of Community Mental Health Setting

Tracy Rhine, Assistant Executive Officer, reported that current law requires an LPCC candidate to gain a portion of his or her supervised clinical mental health experience in a hospital or community mental health setting. However, a definition of “community mental health setting” is not included in statute, and is necessary. She stated the issue had been discussed by the full Board at its May 2010 meeting during the review of the proposed rulemaking package, with staff instructed to return the topic to the Committee for further discussion. Ms. Rhine presented the Committee with the applicable regulatory language as currently drafted. She asked that the language be discussed and staff be directed to make any necessary changes to that language for consideration by the full Board at its July meeting. She also noted that one of the two options that had been suggested for resolution of the problem referred to the definition of a health facility as per the Health and Safety Code. Ms. Rhine expressed the position that use of that definition would be unduly limiting to LPCC applicants. Ms. Lonner suggested a possible amendment to draft regulatory language which could resolve the issue. Ms. Riemersma supported Ms. Lonner’s suggestion. She also proposed additional amendments to draft regulations, and explained her recommendations.

Ms. Riemersma asked if LPCC applicants would be allowed to use video-conferencing as a means of obtaining supervision. Ms. Rhine responded that the subject was being addressed in the Board’s current omnibus legislation. Ms. Riemersma also commented about the issue of health-related organizations that are owned by individuals who are not licensed health care professionals, and the use of such organizations in gaining required hours of experience.

Discussion followed among meeting participants about various related issues. Ms. Rhine clarified that the issue at hand before the Committee was the definition of the term “community mental health setting.”

Renee Lonner moved to direct staff to amend Title 16, California Code of Regulations, Section 1820(d)(3) as suggested, and to return to the full Board for consideration. Gordonna DiGiorgio seconded. The Committee voted unanimously (2-0) to pass the motion.

The meeting adjourned for a brief break at 11:15 a.m. The meeting reconvened at 11:25 a.m. Upon reopening the meeting, the decision was made by the Committee to delay discussion of agenda item IV (D) and return to that item following discussion of agenda item V.

D. Practicum Requirement During Grand-parenting Period for Degrees Granted Prior to 1996

Ms. Rhine reported that currently the licensing law for LPCCs states that a qualifying degree must include no less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent. It was brought to the Board's attention by the California Coalition for Counselor Licensure (CCCL) that some of the older degrees may not contain the required number of units within the degree. Ms. Rhine indicated it was CCCL's request that the Board allow equivalencies for individuals who hold such degrees.

Ms. Rhine reported that the manner in which the LPCC grand-parenting provisions are worded make it a mandate for the applicant to have the practicum included in the degree. CCCL pointed out that the statute references a different code section which allows the Board discretion regarding the practicum requirement. She noted that the Board currently has the authority to look at equivalencies when reviewing older degrees and degrees earned out of state. Ms. Rhine deferred to Ms. Porter for additional information about CCCL's request.

Ms. Porter noted that the identified problem impacted a number of experienced counselors who hold older degrees. She stated CCCL's support regarding the current requirement, but reported that many of the older degrees required only three (3) units of practicum. She spoke about the different avenues available to individuals who are lacking in coursework, but pointed out that there are no remedies in current statute for individuals who are lacking in hours of practicum. She asked the Board about the possibility of amending the practicum requirement for LPCC applicants during the grand-parenting period only. She referred board members to her letter of April 30, 2010, in which she provided possible options that could serve as equivalencies to three units of practicum in the qualifying degree, and asked the Board for its assistance in resolving the problem for the few applicants who would be impacted.

Ms. Rhine added that in reviewing the MFT licensing law, it appeared there were provisions made for degrees earned before 1996 with respect to hours or units of required education. However, she was unable to find similar changes to the practicum requirement. Ms. Rhine noted that the practicum requirement appears to have been unchanged for many years. She also reported being uncertain as to the Board's authority to accept the equivalencies listed in Ms. Porter's letter, because they are outside of the degree. Ms. Rhine stated that the statute is very clear as to what is acceptable.

Discussion followed among meeting participants, with input from individuals who have significant experience and education but would be adversely impacted by the supervised practicum requirement. Ms. Rhine provided clarification about qualifying degrees, and the Board's discretion when reviewing an applicant's education and experience during the grand-parenting period. In response to a question by Ms. Riemersma, Ms. Rhine expressed uncertainty that there is sufficient time available to include the necessary

legislative changes in the Board's current omnibus bill. Discussion continued about possible resolution to the conflicting code sections.

Ms. Madsen raised the possibility of conducting an open board meeting following a closed session scheduled June 28, 2010. The open meeting would be solely for the purpose of presenting the practicum issue to the full Board for discussion.

Gordonna DiGiorgio moved to present to the full Board, following the closed session meeting scheduled June 28, 2010, revisions to LPCC statute pertaining to the grand-parenting period which would allow acceptance of qualifying degrees earned prior to 1996 that contain three (3) hours of practicum. Renee Lonner seconded. The Committee voted unanimously (2-0) to pass the motion.

V. Discussion and Possible Action on Marriage and Family Therapist Practicum Requirement; Trainees Counseling Clients; Exceptions

Ms. Rhine reported that passage of SB 33 (Correa) Chapter 26, Statutes of 2009, had resulted in significant changes to the education requirements for MFT licensure. One change requires MFT trainees, after August 1, 2012, to be enrolled in a practicum course while counseling clients. Ms. Rhine noted that a previous point of discussion was the existence of a conflicting law that states a trainee can gain hours of experience outside the required practicum.

A second point of concern pertains to implementation of this provision. Specifically, there are periods such as intersession or summer break during which a student may not be able to enroll in a practicum course.

Ms. Rhine noted that the issue had been discussed by both the Policy and Advocacy Committee and the full Board at the April and May meetings, respectively. At the May Board Meeting, the group reviewed different options for resolving this problem. She reported that one option was to make an exemption for certain periods such as summer and intersession. The group determined that a limit of forty-five (45) days was appropriate for trainees to continue providing counseling services without being concurrently enrolled in a practicum course. The Board directed staff to draft amended statutory language and return the proposal to the Committee for further discussion.

Ms. Rhine referred Committee members to the draft language prepared in response to the Board's directive. She also made note of correspondence received from CAMFT regarding this topic. Ms. Rhine reported that CAMFT is contending that the language in the licensing law as amended by SB 33 does not include trainees per se, but refers to students, who are not defined. It is CAMFT's position that the Board is misinterpreting the statute and that current law does not require a trainee to be enrolled in practicum to counsel clients.

Ms. Rhine commented that as a result of CAMFT's concerns, the issues before the Committee had changed since preparation of her report. She deferred to CAMFT representatives for additional information.

Ms. Riemersma stated that the change to statute regarding the presumption that trainees must be involved in practicum was inadvertent and not intended by the discussions that occurred during the various meetings about SB 33. She noted that the issue before the

Board at that time was whether or not the hours or units of practicum should be increased. Ms. Riemersma stated the discussions resulted in a negotiated agreement that hours for practicum would be increased, but a portion of the hours could be for client-centered advocacy. She commented that had there been intent to change the requirement so that trainees could gain experience only while enrolled in practicum, there would have been significantly more attention paid to the issue at that time. She questioned the need to correct a problem unless it has been demonstrated that a problem exists.

Mr. Lee reported being asked to compare the conflicting statutes, and spoke about his findings. He commented on the need for consistency when interpreting provisions of law. He also noted the difference between a student and a trainee. Mr. Lee offered suggested language to solve the problem.

James Maynard, Legal Counsel to the Board, commented that he had reviewed CAMFT's correspondence only briefly due to it having been only recently submitted. He spoke about the various principles of statutory construction cited in the letter, and whether or not they were applicable to the current issue. He noted that additional research on his part would be required before determining if he was in agreement with CAMFT's interpretation of cases cited in the letter.

Ms. Lonner asked the research was essential for the issue in general. Mr. Maynard responded that per discussion with Ms. Madsen and Ms. Rhine, the Board has two options. One resolution would be to include clarifying language in the Board's omnibus bill to reconcile the two provisions of law. A second option would be to ask the Board at its July meeting to seek a legal opinion, which would result in Mr. Maynard drafting a legal opinion for presentation to the Board at a future meeting.

Ms. Rhine clarified that the Board's intent, per discussion at the May meeting, was to require practicum. She noted that if the end result is to require trainees to be enrolled in practicum, the Board needs to draft legislation which would clearly state that trainees must be enrolled in practicum. She outlined action that must be taken in order to put the change in place. She also spoke about directing Mr. Maynard to prepare a legal opinion on the issue for discussion at the next Board meeting.

Ms. Lonner requested clarification regarding what is required for an individual to move from being a student to being a trainee. Ms. Riemersma clarified that an individual must be enrolled in a program and have completed a certain number of hours to be considered a trainee. She noted that statute does not contain a definition of "student," but does define "trainee." Ms. Madsen and Mr. Maynard noted that the statutory correction to the problem would be to change the statute to reflect "trainee" instead of "student." Mr. Maynard clarified that the legal opinion would help the Board in addressing the problem while the legislative remedy is being pursued.

Ms. DiGiorgio raised the issue of changing the applicable statute to change the word "student" to "trainee." Ms. Riemersma indicated that CAMFT would oppose such a change. Mr. Maynard stated his understanding of CAMFT's position, which is that after completion of the twelve semester units of coursework required to practice as a trainee, an individual has sufficient foundation that enrollment in practicum is not necessary to have the academic theory in conjunction with the practice.

Mr. Maynard suggested that the matter be referred to the full Board for discussion of the statutory language, to confirm it is the intent of the Board that trainees be enrolled in

practicum and to discuss possible statutory remedies might help meet those goals. Secondly, Mr. Maynard suggested that the Board direct legal counsel to draft a legal opinion regarding use of the title “student” versus “trainee.”

Gordonna DiGiorgio moved to 1) refer to the full Board at its next meeting for discussion and clarification of the Board’s intent in requiring “trainees” to be enrolled in practicum while treating clients; and 2) direct legal counsel to draft a legal opinion regarding use of the title “student” versus “trainee.” The Committee voted unanimously (2-0) to pass the motion.

A brief discussion followed, during which Mr. Maynard touched on statutory construction issues and the process available to individuals who wish to appeal a provision of law. Ms. Rhine reminded meeting participants that the requirement to be enrolled in practicum while providing therapy services is applicable to individuals who begin a program after 2012. She acknowledged that a problem could be faced by programs that are adopting the new requirements before that time, and indicated the action before the committee was an attempt to correct the problem at the present time. Ms. Rhine was doubtful that the matter could be addressed legislatively during the current year. She commented that it would be better to wait until January 2011 to introduce the proposed legislative changes.

Ms. Riemersma asked the Board to expand on what is perceived as the problem that would be corrected by the proposed requirement regarding hours or experience. She again expressed the belief that the change as noted in SB 33 was inadvertent and unintentional. She reported being unaware of any problem or client harm that has been experienced as a result of the law that has been in existence previously. She repeated her concern about the need to correct a problem that does not exist. Mr. Maynard commented there are varying philosophies among schools about the subject of trainees treating clients. He expressed the opinion that this would seem to indicate there is controversy over whether a second-year student is qualified to provide therapy without being enrolled in an academic theory component of the program. He commented about the potential for harm to the consumer, and touched on the Board’s mandate of consumer protection. He added that taking steps to avoid potential harm is part of protecting the public.

Discussion continued briefly among meeting participants.

VI. Overview and Discussion Related to Applied Behavioral Analysis and Senate Bill 1282 (Steinberg)

Ms. Helms reported about discussion held at the previous Board meeting regarding regulation of Behavior Analysis. She noted that Senate Bill (SB) 1282 provides for certification of individuals as a Certified Behavioral Analyst. Ms. Helms provided a history of the discussion, reporting that at the Board meeting members of the public had spoken about personal experiences as parents of autistic children who have been treated by or received care from minimally educated or trained individuals claiming to be expert in behavioral analysis.

Ms. Helms reported having further researched the subject of Behavioral Analysis since the last meeting. She referred Committee members to a report of her findings, included in their meeting materials. Ms. Helms reviewed her findings as well as possible courses of action the Board may want pursue to resolve the problem. She noted that at its previous

meeting, the Board voted to take an “oppose” position on SB 1282. She further noted that since the May meeting, the bill’s author has been taking steps to keep the legislation moving forward to the Senate. Extensive amendments are planned once the bill reaches the Senate. Committee members discussed the possibility of putting information on the Board’s website about individuals who are qualified to practice applied behavioral analysis. Geri Esposito, California Society of Clinical Social Workers, encouraged the Board to ensure that any notice that might be put on the website be worded so as not to prohibit a qualified individual from practicing applied behavioral analysis because he or she is not certified as an Applied Behavioral Analyst. Ms. Riemersma added that such notification, if made, should include an exemption for any licensed or registered mental health professional.

Ms. Helms noted that a letter had been received from the parent of an autistic child, providing her comments about SB 1282, as currently amended. She noted that the parent had previously provided input at the May Board Meeting. Ms. Rhine assured the Committee members that the letter would be included as part of the official meeting record.

Gordonna DiGiorgio moved that the Committee take no action on SB 1282. Renee Lonner seconded. The Committee voted unanimously (2-0) to pass the motion.

VII. Budget Update

Ms. Madsen provided an overview of the Board’s budget, noting areas of highlight. She also spoke about the ongoing budget issues in California, and the steps the Board is taking to work with those issues. Ms. Madsen made note of the significant change in projected year-end balance from the last update in April 2010 until present. She attributed the increased expenditures directly to enforcement costs, noting a major increase in the number of cases forwarded to the Attorney General’s Office for initiation of disciplinary actions.

Ms. Madsen also spoke briefly about the status of the Budget Change Proposal (BCP) submitted for staffing and funding of the new LPCC program. She noted that the BCP had been discussed at both the Assembly and Senate Budget Committee hearings. The Assembly approved the BCP as submitted; however, the Senate Committee recommended reducing the staffing request from twelve to five. Ms. Madsen expressed concern with the Board’s ability to efficiently operate the LPCC program should all of the requested staffing not be approved. Ms. Lonner asked about the Board’s options should the necessary staffing not be received to allow for timely implementation of the program. Ms. Rhine responded that an option available to the Board would be to seek an extension of the implementation dates.

VIII. Legislative Update

Ms. Helms presented for the Committee’s review a list of updates to pending legislative proposals. She noted that the proposed legislation had been discussed by the full Board at its May 2010 meeting.

IX. Rulemaking Update

Ms. Rhine provided an update of pending regulatory proposals, for the committee's review.

X. Suggestions for Future Agenda Items

No agenda items were proposed.

XI. Public Comment for Items Not on the Agenda

No public comment was offered.

The Committee adjourned at approximately 12:50 p.m.

DRAFT

**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

License Professional Clinical Counselors and LEP CE

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (BBS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 N Market Blvd, Sacramento CA, 95834 Room N-220 at 11:00 AM on July 13, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Tracy Rhine in this Notice, must be received by the BBS at its office not later than 5:00 p.m. on July 12, 2010, or must be received by the BBS at the hearing.

The BBS, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4990.16, 4990.18, and 4990.20 of the Business and Professions Code (BPC), and to implement, interpret, or make specific Sections 4980.80, 4989.10, 4989.12, 4989.14, 4989.20, 4989.22, 4989.24, 4989.26, 4989.28, 4989.34, 4989.68, 4990, 4990.04, 4990.08, 4990.12, 4990.20, 4996.2, 4996.22, 4996.23, 4999.20, 4999.24, 4999.30, 4999.32, 4999.33, 4999.34, 4999.36, 4999.42, 4999.44, 4999.45, 4999.46, 4999.47, 4999.48, 4999.50, 4999.52, 4999.54, 4999.58, 4999.60, 4999.76, 4999.90, 4999.104, 4999.112, and 4999.120 of the BPC, the BBS is considering amending Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

BPC Section 4990.20 authorizes the BBS to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the BPC for which it is responsible. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) of Division 2 in the BPC and mandated the BBS implement the provisions of the new chapter. BPC Section 4999.30 prohibits any person in the State of California from practicing or advertising the performance of professional clinical counseling services without a license issued by the BBS. Furthermore, BPC Section 4999.80 mandates the BBS enforce laws designed to protect the public from incompetent, unethical or unprofessional practitioners, investigate complaints concerning the conduct of any licensed professional clinical counselor, and take disciplinary action against licenses issued as enumerated in rules and regulations of the BBS.

Division 18 of Title 16 of the CCR includes numerous sections relating to education requirements, experience requirements, fees, administrative actions, and disciplinary guidelines of BBS-regulated licensees and registrants.

The purpose of these regulations is to revise existing regulations to incorporate licensed professional clinical counselor (LPCC) requirements and fees referenced in various sections of Chapter 16 of Division 2 of the BPC. These revisions will also modify the document titled "Board of Behavioral Sciences Disciplinary Guidelines (Rev. ~~November 2008~~ March 2010)" referenced in CCR Section 1888 (Division 18 of Title 16).

Also, the BBS administers and enforces the provisions of the Educational Psychology Act (“Act” -- Business and Professions Code (BPC) sections 4989.10 and following). BPC section 4989.34 of that Act requires licensed educational psychologists (LEPs) to certify completion of approved continuing education (CE) in, or relevant to, educational psychology and authorizes the BBS to establish “exceptions” for LEPs from CE requirements for “good cause” as determined by the BBS. Further, Section 4989.34 authorizes the BBS to establish, by regulation, a procedure for approving providers of LEP CE courses and to set minimum standards for those CE course providers.

Current law does not specify requirements for BBS-approved CE courses for LEPs, set license renewal requirements relative to CE for LEPs, or establish a procedure for the BBS to grant exceptions to those requirements. Current law also does not create a procedure for the approval of providers of LEP CE courses or set minimum standards for those CE course providers. This proposal would establish those requirements and procedures.

Additionally, these revisions will correct numerous erroneous authority citations and references in existing regulations that were not updated upon the Governor’s approval of SB 1475 (Figueroa) on September 29, 2006 and update references to new forms and revisions to previously incorporated forms.

This rulemaking also proposes changes to the CE exception process for all licensees, in order to bring this section and the BBS’s forms into compliance with both the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). Other clarifying and technical changes are also proposed to the BBS’s CE regulations.

A prior rulemaking package was noticed with the Office of Administrative Law and published in the regulatory notice register on October 30, 2009 relating to the following Sections of this proposal: 1807, 1807.2, 1810, 1819.1, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14. The language included in the previous rulemaking package, Notice File Number Z-2009-1019-01, relating to required continuing education for LEPs has been incorporated into this proposed rulemaking, with the following changes:

1. Extension of the implementation date from January 1, 2011 to January 1, 2012; and,
2. Deletion of the requirement for LEPs to take the following specific CE courses:
 - a. Human Sexuality
 - b. Spousal/Partner Abuse Training
 - c. Aging and Long-term Care
 - d. AIDS/HIV Training

Due to the passage of SB 788 which, beginning January 1, 2011, requires the BBS to establish, license and regulate professional clinical counselors, it is necessary to develop regulations to implement those LPCC related statutes immediately. Implementation of SB 788 requires the Board to include LPCCs in all current, relevant regulations, including those relating to continuing education. In order to ensure that all BBS licensees complete statutorily mandated continuing education it is therefore necessary to include both LEP and LPCC continuing education requirements in one rulemaking package.

Amend Section 1800 – Declaratory Decisions

Section 1800 clarifies what decisions from the BBS are “Declaratory Decisions.”

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1802 – Definitions

Section 1802 defines references to “board” and “Code” in the rules and regulations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also delete an errant reference to a BPC section.

Amend Section 1803 – Delegation of Certain Functions

Section 1803 delegates authority to the BBS to conduct a variety of functions related to formal discipline and administrative action against licensees and registrants.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also replace two errant references to BPC sections.

Amend Section 1804 – Filing of Addresses

Section 1804 sets forth provisions for maintaining a current address of record with the BBS.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section. The proposed regulation would also replace two errant references to BPC sections.

Amend Section 1805 – Applications

Section 1805 mandates applications submitted to the BBS be on forms prescribed by the BBS and requires a 180-day waiting period between failure and re-take of an examination.

The proposed regulation adds a reference to a BPC section relating to LPCCs.

Amend Section 1805.1 – Permit Processing Times

Section 1805.1 sets forth the maximum processing times for BBS applications.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1806 – Abandonment of Application

Section 1806 specifies the conditions under which the BBS shall abandon an application.

The proposed regulation would set forth a one-year deadline to complete an application submitted to the BBS related to professional clinical counselors. The proposed regulation would set a one-year deadline from either initial examination eligibility or notification of examination failure to take the jurisprudence and ethics examination, the examination required in BPC section 4999.54(b)(2), or the examination required in BPC section 4999.52(c)(5). Furthermore, the proposed regulation requires the initial LPCC license fee be submitted within one year after notification of successful completion of examination requirements. In addition, the proposed regulation adds references to BPC sections relating to LPCCs.

Amend Section 1807 – Human Sexuality Training

Section 1807 specifies the requirements for human sexuality training required of marriage and family therapists (MFTs) and licensed clinical social workers (LCSWs).

The proposed regulation change would require LPCC applicants complete a human sexuality training at least 10 hours in length. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section, add a reference to a BPC section relating to LCSWs, add a reference to a BPC section relating to LPCCs, correct the title of the Bureau of Private Postsecondary Education, and replace two errant references to the Education Code.

Amend Section 1807.2 – Child Abuse Assessment Training Requirements

Section 1807.2 sets forth the requirements for child abuse assessment and reporting training for MFTs and LCSWs.

The proposed regulation would require LPCC applicants complete a child abuse assessment and reporting training, which must be at least seven hours in length. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs. The proposed regulation corrects the title of the Bureau of Private Postsecondary Education and replaces two errant references to the Education Code. The proposed regulation would require an LEP, in addition to meeting all other requirements for licensure, to complete child abuse assessment and reporting training prior to applying for his or her first license renewal on or after January 1, 2012. This proposal would also clarify that in addition to meeting all other requirements for licensure, MFTs and LCSWs must have completed coursework and training in child abuse assessment prior to licensure.

Amend Section 1810 – Alcoholism and Other Chemical Substance Dependency Training

Section 1810 sets forth the requirements for substance abuse training for MFTs and LCSWs.

The proposed regulation would require LPCC applicants complete a course, which must be at least 15 hours in length, in alcoholism and other chemical dependencies. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs. The proposed regulation corrects the title of the Bureau of Private Postsecondary Education and replaces two errant references to the Education Code. The proposed regulation would require an LEP who renews his or her license after January 1, 2012 to complete at least 15 hours of instruction and training in alcoholism and other chemical substance dependency in 10 specific course content areas. In addition, the proposal would require the training and coursework received by the LEP to be obtained from an accredited or approved educational institution, a governmental entity, a licensed health facility or a CE provider approved by the BBS.

Add Section 1810.1 – California Law and Ethics Training; Acceptable Education Providers

Section 1810.1 sets forth the appropriate institutions at which an LPCC or MFT out-of-state applicant may complete required training in California law and ethics.

The proposed regulation clarifies at what entities an LPCC applicant or MFT out-of-state applicant may complete the California law and ethics training as required in BPC sections 4999.32 and 4980.80, respectively.

Add Section 1810.2 – Crisis or Trauma Counseling Training

Section 1810.2 sets forth the appropriate institutions at which an LPCC applicant may complete required training in crisis or trauma counseling.

The proposed regulation clarifies at what entities an LPCC applicant may complete the crisis or trauma counseling training as required in BPC section 4999.32.

Amend Section 1811 – Use of License Number in Directories and Advertisements

Section 1811 sets forth requirements for advertising for all current BBS licenses and registrations.

The proposed regulation would require LPCCs and professional clinical counselor interns comply with the same advertising requirements of current BBS licensees and registrants. In addition, the proposed regulation replaces an errant reference in the authority cited section and adds a reference to a BPC section relating to LPCCs.

Amend Section 1812 – Substantial Relationship Criteria

Section 1812 clarifies the criteria for determining substantial relationship of a crime or act to authority to practice.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1813 – Criteria for Rehabilitation – Denial of Licensure

Section 1813 sets forth the criteria for determining rehabilitation when considering denial of licensure.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1814 – Criteria for Rehabilitation – Suspensions or Revocations

Section 1814 sets forth the criteria for determining rehabilitation when considering suspension or revocation of licensure.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1815 – Fingerprint Submission

Section 1815 sets forth requirements for fingerprint submissions and criminal background checks for BBS licensees and registrants.

The proposed regulation would add a reference to a BPC section relating to LPCCs.

Amend Section 1816 – Renewal Fees

Section 1816 sets forth renewal fees for all BBS licenses and registrations.

The proposed regulation would add renewal fees for professional clinical counselor interns (\$100), licenses issued pursuant to BPC section 4999.54 (\$150), and the LPCC biennial renewal (\$175). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

Amend Section 1816.1 – Initial License and Registration Fees

Section 1816.1 sets forth initial license and registration fees.

The proposed regulation would add the LPCC initial license fee (\$200) and the professional clinical counselor intern registration fee (\$100). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

Amend Section 1816.2 – Examination Fees

Section 1816.2 sets forth examination fees.

The proposed regulation would add the LPCC jurisprudence and ethics examination fee (\$100), the LPCC examination fee (\$100) for the examination required by 4999.54(b), and the fee for the LPCC written examination (\$150). In addition the proposed regulation would add a reference to a BPC section relating to LPCCs.

Amend Section 1816.3 – Examination Rescoring Fees

Section 1816.3 sets the fee for rescoring any examination.

The proposed regulation would replace two errant references to BPC sections with the appropriate sections.

Amend Section 1816.4 – Examination Application Fees

Section 1816.4 sets the fees for examination eligibility applications.

The proposed regulation would add the LPCC examination eligibility fee (\$180). In addition, the proposed regulation would add a reference to a BPC section relating to LPCCs.

Amend Section 1816.5 – Replacement and Certification Fees

Section 1816.5 sets forth fees for replacement licenses and registrations and certifications of licensure and registration.

The proposed regulation would replace an errant reference to a BPC section with the appropriate section.

Amend Section 1816.6 – Inactive License Fees

Section 1816.6 sets the inactive license fees for BBS licensees.

The proposed regulation would add the LPCC biennial inactive renewal fee (\$87.50) and inactive renewal fee for license issued pursuant to BPC section 4999.54(a)(1)(\$75). In addition, the proposed regulation would add a reference to the BPC relating to LPCCs.

Amend 1816.7 – Delinquent Fees

Section 1816.7 sets the delinquent fees for BBS licensees.

The proposed regulation would add the delinquency fee for an LPCC renewal (\$87.50), add the delinquency fee for licenses issued pursuant to BPC section 4999.54(a)(1)(\$75), and delete language referring to a temporary fee reduction in effect from January 2001 to December 2002. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section, replaces an errant BPC section reference with the appropriate section, and adds a reference to a section relating to LPCCs.

Add Section 1816.8 – Applications for Licensure Pursuant to BPC Section 4999.54

Section 1816.8 sets the fees for applications for licensure submitted pursuant to BPC section 4999.54.

The proposed regulation creates this section to set a fee for applications for licensure submitted pursuant to BPC section 4999.54.

Amend Section 1819.1 – Continuing Education Provider Fees

Section 1819.1 sets the fee for CE provider applications at two hundred dollars (\$200).

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section and adds two BPC section references relating to LPCCs and one relating to LEPs.

Add Section 1820 – Experience

Section 1820 defines the term supervision, clinical mental health setting, and community mental health setting. In addition, Section 1820 sets forth the conditions under which supervision can be credited.

The proposed regulation creates this section to define terms and make specific requirements referenced in BPC section 4999.46.

Add Section 1820.5 – Experience Working Directly with Couples, Families, or Children

Section 1820.5 clarifies an exception to the LPCC scope of practice described in 4999.20.

The proposed regulation creates this section to clarify the means of acquiring the required supervised experience needed in order for LPCCs to qualify to assess and treat couples and families.

Add Section 1821 – Requirements for Supervisors

Section 1821 sets forth the qualifications licensed mental health professionals must possess prior to supervising a professional clinical counselor intern.

The proposed regulation creates this section to define the qualifications needed to supervise an individual completing the requirements referenced in BPC section 4999.46.

Add Section 1822 – Supervisory Plan

Section 1822 requires supervisors of professional clinical counselor interns sign a Supervisory Plan.

The proposed regulation creates this section mandating supervisors sign-off on a BBS prescribed form documenting the goals of professional supervision.

Amend Section 1833.1 – Requirements for Supervisors

Section 1833.1 sets forth the requirements for supervising MFT Trainees and Interns.

The proposed regulation would add LPCCs to the list of licensed mental health professionals eligible to supervise MFT Trainees and Interns, update the revision date (3/10) for the form referenced in regulation, and add a reference to a BPC section relating to LPCCs.

Amend Section 1833.2 – Supervision of Experience Gained Outside of California

Section 1833.2 sets forth the requirements for experience gained outside of California.

The proposed regulation would add “professional clinical counselor” to the list of supervisors eligible to supervise experience applied to BBS requirements that the applicant earned out-of-state.

Amend Section 1850.6 – Name of Corporation

Section 1850.6 clarifies the appropriate wording for abbreviations denoting corporations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1850.7 – Shares: Ownership and Transfer

Section 1850.7 sets forth requirements for transfer of corporate shares and clarifies what needs to be included on the share certificates.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1870 – Requirements for Associate Clinical Social Worker Supervisors

Section 1870 sets forth requirements for supervising associate clinical social workers.

The proposed regulation would update the revision date (3/10) for the form referenced in regulation, add a reference to a BPC section relating to LPCCs, and delete an errant reference to a BPC section.

Amend Section 1870.1 – Supervisory Plan

Section 1870.1 requires associate clinical social workers develop a Supervisory Plan with their supervisors and send the original signed plan to the BBS upon application for licensure.

The proposed regulation would update the revision date (3/10) for the form referenced in regulation, replace an errant reference in the authority cited with the appropriate BPC section, and replace an errant reference to a BPC section with the appropriate section.

Amend Section 1874 – Definition of Acceptable Mental Health Professionals

Section 1874 defines the types of acceptable mental health professionals, in addition to an LCSW, who may supervise an associate clinical social worker.

The proposed regulation would delete two errant references to repealed BPC sections and replace them with the accurate reference. In addition, the proposed regulation would add the title of “licensed professional clinical counselor” to the types of mental health professionals who can supervise an associate clinical social worker.

Amend Section 1877 – Examinations

Section 1877 clarifies the types of written examinations an individual must pass to earn a clinical social work license.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1880 – Unlicensed Assistants

Section 1880 requires an unlicensed person employed under BPC section 4996.15 disclose the lack of a license and the license held by the individual's supervisor.

The proposed regulation would add the titles of “marriage and family therapist” and “licensed professional clinical counselor” to the list of individuals who would supervise an unlicensed assistant. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1881 – Unprofessional Conduct

Section 1881 sets forth the conditions in which the BBS may suspend or revoke a license or refuse to issue a license.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886 – Authority to Issue Citations and Fines

Section 1886 gives authority to the BBS Executive Officer to issue citations, orders of abatement, and fines against the licenses and registrants the BBS regulates.

The proposed regulation would add LPCCs and professional clinical counselor interns to the list of licenses and registrations for which the Executive Officer has authority to issue a citation, order of abatement, or fine. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.10 – Citations for Unlicensed Practice

Section 1886.10 gives authority to the BBS Executive Officer to issue citations, orders of abatement, and fines against individuals engaging in unlicensed practice.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.20 – Citation Format

Section 1886.20 sets forth the information required to be included in any citation.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.30 – Citation Factors

Section 1886.30 sets forth the considerations to be made by the BBS Executive Officer when assessing an administrative fine or issuing an order of abatement.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.40 – Amount of Fines

Section 1886.40 sets forth limits relating to citable offenses.

The proposed regulation would add BPC Chapters 13.5 (Licensed Educational Psychologists) and 16 (LPCC) to the list of statutes enforced by the BBS. In addition, the proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section and add references to BPC sections relating to LEPs and LPCCs.

Amend Section 1886.50 – Exceptions

Section 1886.50 sets forth exceptions for issuing citations.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.60 – Compliance with Citation/Order of Abatement

Section 1886.60 sets forth the terms for compliance with a citation or order of abatement.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.70 – Contested Citations and Request for a Hearing or Informal Citation Conference

Section 1886.70 sets forth requirements for contesting a citation.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Section 1886.80 – Disconnection of Telephone Service

Section 1886.80 specifies that nothing in Article 7 of Title 16 of the California Code of Regulations precludes the BBS from using the provisions described in BPC section 149.

The proposed regulation would replace an errant reference in the authority cited with the appropriate BPC section.

Amend Article 8 Title – Continuing Education Requirements for Marriage and Family Therapists and Licensed Clinical Social Workers

Article 8 includes all the BBS regulations related to CE.

The proposed regulation would add “Licensed Professional Clinical Counselors” and “Licensed Educational Psychologists” to the title of Article 8.

Amend Section 1887 – Definitions

Section 1887 defines several terms used in regulations related to CE.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references. The BBS is proposing clarifying language and a new definition for the “initial” renewal period.

Amend Section 1887.1 – License Renewal Requirements

Section 1887.1 specifies that licensees renewing must certify completion of the mandatory CE requirements.

The proposed regulation would add language referring to two BPC sections relating to LPCCs. The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section and add a section relevant to LEPs. The proposed regulation specifies the license renewal requirements for LEPs pertaining to CE. The proposed regulation would do all of the following:

- Require that, unless an exception to CE is granted, LEPs must certify in writing that he or she has completed 36 hours of CE credit.
- Require a LEP be subject to disciplinary action if the licensee falsifies or makes material misrepresentations of fact relating to the completion of CE.
- Specify a timeline for licensees to meet the proposed LEP CE requirements. LEPs renewing January 1, 2012 through December 31, 2012 would be required to complete 18 units of CE prior to renewal. On or after January 1, 2013, all LEPs would be required to complete 36 units of CE prior to renewal.

Amend Section 1887.2 – Exceptions from Continuing Education Requirements

Section 1887.2 sets forth the conditions under which the BBS may grant special accommodations or exceptions for CE requirements.

The proposed regulation would do the following:

- Add a reference to BPC section 4999.112, a form entitled “Request for Continuing Education Exception – License Application,” and a form entitled “Request for Continuing Education Exception – Verification of Disability or Medical Condition;
- Require the request for exception or accommodation be submitted at least 60 days prior to the expiration date of a license;
- Clarify the valid time period for an approved exception;
- Add the term “reasonable accommodation” in subsection (c) for consistency;
- Clarify the term disability to include physical and mental disabilities;
- Specify that a domestic partner shall be considered an immediate family member;
- Specify the time period during the previous renewal period to be one year in order to qualify for a reasonable accommodation;
- Deletes references to information that will now be included with the “Request for Continuing Education Exception – Verification of Disability or Medical Condition.”
- Delete an errant BPC section from the authority cited;
- Add two sections of the BPC and two sections of the Government Code to the authority cited; and,
- Add a BPC reference to a section related to LPCCs.

Amend Section 1887.3 - Continuing Education Course Requirements

Section 1887.3 sets forth continuing education course requirements for licensees.

The proposed regulation makes several grammatical non-substantive changes. The proposed regulation adds two sections of the BPC to the authority cited and adds references to BPC sections relating to LPCCs and LEPs. Also, the proposed regulation specifies a timeline for licensees to meet the proposed LEP CE requirements. LEPs renewing January 1, 2012 through December 31, 2012 would be required to complete 18 units of CE prior to renewal. On or after January 1, 2013, all LEPs would be required to complete 36 units of CE prior to renewal.

Amend Section 1887.4 – Continuing Education Course Content

Section 1887.4 specifies requirements for continuing education course content and sets responsibilities for course providers.

The proposed regulation adds “professional clinical counseling,” “educational psychology,” and language referring to BPC sections 4999.76 and 4989.34. In addition, the proposed regulation adds three sections of the BPC to the authority cited and adds two references to BPC sections relating to LPCCs and LEPs.

Amend Section 1887.5 – Hours of Continuing Education Credit

Section 1887.5 specifies conversions of academic units to hours of CE.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.6 – Continuing Education Providers

Section 1887.6 identifies the entities at which a licensee can complete CE.

The proposed regulation would require LPCCs and LEPs to take CE from an accredited or approved school or BBS-approved provider. The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. In addition, the

proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.7 – Board-Approved Providers

Section 1887.7 sets forth the qualifications to become an approved CE provider with the BBS.

The proposed regulation would update the revision date to the “Continuing Education Provider Application.” In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.8 – Revocation and Denial of Board-Approved Provider Status

Section 1887.8 sets forth the conditions under which the BBS can revoke its approval of a CE provider.

The proposed regulation would add language referencing Chapters 13.5 and 16 of the BPC. In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.9 – Course Advertisements

Section 1887.9 identifies what information CE providers must include on course advertisements.

The proposed regulation would add language referring to LPCCs and LEPs. In addition, the proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.10 – Course Instructor Qualifications

Section 1887.10 sets forth the requirements for instructors for courses offered through approved BBS CE providers.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.11 – Records of Course Completion

Section 1887.11 requires approved CE providers to provide course completion records to licensees.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.12 – Licensee and Provider Course Records

Section 1887.12 sets forth record retention requirements for licensees and approved CE providers.

The proposed regulation would replace an errant reference to a BPC section in the authority cited with the appropriate section. Also, the proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.13 – Renewal of Expired Approval

Section 1887.13 sets forth the time period within which an expired CE provider may renew a BBS approval.

The proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1887.14 – Time Limit for Renewal of Approval After Expiration; New Approval

Section 1887.14 requires an expired CE provider submit a new application for approval if the previous approval has been expired for more than one year.

The proposed regulation would add BPC sections relating to LPCCs and LEPs to the authority cited and references.

Amend Section 1888 – Disciplinary Guidelines

Section 1888 incorporates the BBS' disciplinary guidelines by reference and grants the BBS authority to deviate from the guidelines when warranted.

The proposed regulation would updated the revision date of the “Board of Behavioral Sciences Disciplinary Guidelines,” replace an errant reference in the authority cited with the appropriate BPC section, and a reference to the BPC relating to LPCCs.

Forms Incorporated by Reference

This proposed rulemaking also makes changes to four forms incorporated by reference that are currently used by the BBS:

- Section 1833.1: “Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern,” Form 1800 37A-523 (Revised 3/10)
- Section 1870: “Responsibility Statement for Supervisors of an Associate Clinical Social Worker,” Form 1800 37A-522 (Revised 3/10)
- Section 1870.1 and 1822: “Supervisory Plan,” Form 1800 37A-521 (Revised 3/10)
- Section 1887.7: “Continuing Education Provider Application”, Form 1800 37A-633 (Revised 3/10).

Additionally, four new forms are being added by reference:

- Section 1820: “Weekly Summary of Experience Hours for Professional Clinical Counselor Interns,” Form 1800 37A-645 (New 3/10)
- Section 1821: “Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern,” Form 1800 37A-643 (New 3/10)
- Section 1887.2: “Request for Continuing Education Exception – Verification of Disability or Medical Condition,” Form 1800 37A-636 (New 03/10).
- Section 1887.2: “Request for Continuing Education Exception – Licensee Application,” Form 1800 37A-635 (Revised 3/10).

FISCAL IMPACT ESTIMATES

Local Mandate: None

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The BBS has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Furthermore, individuals who previously could not start private businesses because no LPCC license existed now will have the opportunity to start a business.

AND

The following studies/relevant data were relied upon in making the above determination: The costs associated with this regulation include the fees an individual would be required to pay to pursue the LPCC license (e.g. application fees, examination fees, etc).

The annual salary of a Mental Health Counselor as reported by the Bureau of Labor Statistics created a baseline for the benefits attributed to an individual who earns a license as an LPCC.

There would be very minor costs to businesses to comply with the CE requirements for LEPs which would cost each business approximately \$90 per year. This is based on the cost per unit of CE averaging \$5 (it ranges from free to \$10 per unit, based on a review of seven websites offering CE to MFTs and LCSWs from BBS-approved providers) at 18 units required per year. There would be minor costs to businesses who want to provide CE courses to LEPs at \$200 initially (application fee) and \$200 every two years thereafter (renewal fee).

Impact on Jobs/New Businesses: The BBS has determined that this regulatory proposal would create job and business opportunities for those who earn a license as an LPCC. Additionally, the BBS has determined that this regulatory proposal would create job and business opportunities for those who want to provide CE to LEPs. Otherwise, this proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses:

Depending on the qualification method for the license, the cost for obtaining a LPCC license ranges between approximately \$380 and \$1050. Depending on the type of LPCC license held (e.g. annual renewal versus biennial renewal), the ongoing annual cost for maintaining an active license would range between \$87.50 and \$150. CE costs an average of \$5 per unit. LEPs will be required to complete 18 units per year for an average cost of \$90 per person per year. For LEPs who have a disability or medical condition and want to apply for an exception to CE, there would be an approximate \$300 cost related to an evaluation or forms completion by a physician or psychologist. Finally, those who wish to provide CE to LEPs and are not currently approved by the BBS as a CE provider will have an initial application cost of \$200 and \$200 renewal fee every two years.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The BBS has determined the net impact to small business will be positive because the creation of the LPCC license represents new opportunities for individuals to open small-businesses who previously could not because no LPCC license existed in the State of California. The initial cost

of obtaining and maintaining the license would be surpassed over the life of the regulation if LPCCs achieve an annual income similar to the annual income of a 'Mental Health Counselor' as reported by the Bureau of Labor Statistics (approximately \$45,000).

The implementation of a CE program for LEPs would have a minimal impact on a small business. The BBS estimates that 767 LEPs own a small business and it would cost \$90 per year to comply. Additionally, there would be a minor impact on small businesses who wish to offer CE to LEPs (those that are not already registered with the BBS as a CE provider). The costs to these small businesses is \$200 to apply and \$200 to renew every two years.

The changes to the BBS's CE exception regulation could present a minimal cost impact to the approximately 85 small businesses per year owned by MFTs, LCSWs or LEPs with a disability or medical condition who apply for an exception to CE. The cost would be approximately \$300 for a physician or psychologist to evaluate the licensee and/or complete paperwork for the BBS's records.

CONSIDERATION OF ALTERNATIVES

The BBS must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing provided for in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The BBS has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the Web site listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tracy Rhine
Address: 1625 North Market Blvd., Suite S200
Sacramento, CA 95834
Telephone: 916-574-7847
Fax: 916-574-8626
Email: tracy_rhine@dca.ca.gov

or

Name: Rosanne Helms
Address: 1625 North Market Blvd., Suite S200
Sacramento, CA 95834
Telephone: 916-574-7897
Fax: 916-574-8626
Email: rosanne_helms@dca.ca.gov

If the regulations adopted by the BBS differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

WEB SITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

BOARD OF BEHAVIORAL SCIENCES INITIAL STATEMENT OF REASONS

Hearing Date: (TO BE DETERMINED)

Subject Matter of Proposed Regulations: License Professional Clinical Counselors, Licensed Educational Psychologist Continuing Education, Continuing Education Exception Process, and Language Clean-Up

Section(s) Affected: Amend Sections 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, and 1888 of Division 18 of Title 16 of the California Code of Regulations. Add Sections 1810.1, 1810.2, 1816.8 1820, 1820.5, 1821, and 1822 to Division 18 of Title 16 of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

Business and Professions Code (BPC) Section 4990.20 authorizes the Board of Behavioral Sciences (BBS) to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the Business and Professions Code for which it is responsible. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) in Division 2 of the BPC and mandated the BBS implement the provisions of the new chapter. BPC Section 4999.30 prohibits any person in the State of California from practicing or advertising the performance of professional clinical counseling services without a license issued by the BBS. Furthermore, BPC Section 4999.80 mandates the BBS enforce laws designed to protect the public from incompetent, unethical or unprofessional practitioners, investigate complaints concerning the conduct of any licensed professional clinical counselor, and take disciplinary action against licenses issued as enumerated in rules and regulations of the BBS.

Division 18 of Title 16 of the California Code of Regulations (CCR) includes numerous sections relating to education requirements, supervised experience requirements, fees, administrative actions, and disciplinary guidelines of BBS-regulated licensees and registrants.

The purpose of these regulations is to revise existing regulations to incorporate licensed professional clinical counselor requirements and fees referenced in various sections of Chapter 16 of Division 2 of the BPC. These revisions will also modify the document titled "Board of Behavioral Sciences Disciplinary Guidelines (Rev. November 2008)" referenced in CCR Section 1888 (Division 18 of Title 16). Additionally, these revisions will correct numerous erroneous authority citations and references to existing regulations that were not updated upon the Governor's approval of SB 1475 (Figueroa) on September 29, 2006 and update references to

new forms and revisions to previously incorporated forms.

Also, The BBS administers and enforces the provisions of the Educational Psychology Act ("Act" -- BPC sections 4989.10 and following). BPC section 4989.34 of that Act requires licensed educational psychologists (LEP) to certify completion of approved continuing education (CE), in or relevant to, educational psychology and authorizes the BBS to establish "exceptions" for LEPs from CE requirements for "good cause" as determined by the BBS. Further, Section 4989.34 authorizes the BBS to establish, by regulation, a procedure for approving providers of LEP CE courses and to set minimum standards for those CE course providers.

Current law does not specify requirements for BBS-approved CE courses for LEPs, set license renewal requirements relative to CE for LEPs, or establish a procedure for the BBS to grant exceptions to those requirements. Current law also does not create a procedure for the approval of providers of LEP CE courses or set minimum standards for those CE course providers. This proposal would establish those requirements and procedures.

This rulemaking also proposes changes to the CE exception process for all licensees, in order to bring this section and the BBS' forms into compliance with both the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). Other clarifying and technical changes are also proposed to the BBS' CE regulations.

A prior rulemaking package was noticed with the Office of Administrative Law and published in the regulatory notice register on October 30, 2009 relating to the following Sections of this proposal: 1807, 1807.2, 1810, 1819.1, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14. The language included in the previous rulemaking package, Notice File Number Z-2009-1019-01, relating to required continuing education for LEPs has been incorporated into this proposed rulemaking, with the following changes:

1. Extension of the implementation date from January 1, 2011 to January 1, 2012; and,
2. Deletion of the requirement for LEPs to take the following specific CE courses:
 - a. Human Sexuality
 - b. Spousal/Partner Abuse Training
 - c. Aging and Long-term Care
 - d. AIDS/HIV Training

Due to the passage of SB 788 which, beginning January 1, 2011, requires the BBS to establish, license and regulate professional clinical counselors, it is necessary to develop regulations to implement those LPCC related statutes immediately. Implementation of SB 788 requires the Board to include LPCCs in all current, relevant regulations, including those relating to continuing education. In order to ensure that all BBS licensees complete statutorily mandated continuing education it is therefore necessary to include both LEP and LPCC continuing education requirements in one rulemaking package.

Specifically, the regulation would incorporate amendments to Division 18 of Title 16 of the CCR as follows:

Replacement of Errant References and Addition of LPCC BPC Section References

- Replace errant references to BPC sections 4990.1, 4990.8, 4990.11, 4990.13, 4990.14, and 4986.80. SB 1475, Chapter 659, Statutes of 2006 repealed and recast law relating to BBS administration and Licensed Educational Psychologist licensure requirements and moved the previous content in the above code sections to BPC Sections 4990, 4990.04, 4990.08, 4990.12, 4990.20, and 4989.68, respectively. Delete errant references to BPC sections 4996.20 and 4996.21 relating to experience requirements for Licensed Clinical Social Workers. SB 819, Chapter 308, Statutes of 2009 repealed BPC section 4996.20 and 4996.21. Replace reference to BPC section 4996.20 and 4996.21 with reference to BPC section 4996.23 (SB 724, Chapter 728, Statutes of 2001), which is the most recent and only existing reference to requirements previously described in BPC Section 4996.20. The purpose of this proposed change is to make the CCR sections mentioned above consistent with these current statutes.
- Add references to BPC sections 4999.20, 4999.24, 4999.30, 4999.32, 4999.33, 4999.42, 4999.44, 4999.45, 4999.46, 4999.50, 4999.52, 4999.54, 4999.58, 4999.60, 4999.76, 4999.90, 4999.104, 4999.112, 4999.120. SB 788, Chapter 619, Statutes of 2009 created BP, Division 2, Chapter 16 and all BPC sections.
- Add references to BPC sections 4996.2, 4996.22, 4989.10, 4989.12, 4989.14, 4989.20, 4989.22, 4989.24, 4989.26, 4989.28, and 4989.34. The purpose of this proposed change is to update references to relevant code sections.
- Replace errant references to the Bureau of Private Postsecondary and Vocational Education and Education Code sections 94900 and 94901. The correct agency name is now the Bureau for Private Postsecondary Education and the appropriate Education Code sections are 94887 and 94802.

Addition of LPCC Language in Existing Regulations

- Add grounds for abandonment of applications for LPCC jurisprudence and ethics examination, the examination required in BPC section 4999.54(b)(2), and the examination required in 4999.52(c)(5). The one-year requirement to sit for any of these examinations is consistent with requirements for existing license types referenced in the same section (Section 1806).
- Add title of professional clinical counselor and reference to BPC section 4999.32, which requires applicants complete a human sexuality course (Section 1807).
- Add title of professional clinical counselor. BPC section 4999.32 requires applicants to complete coursework in child abuse assessment and reporting (Section 1807.2).
- Add reference to BPC section 4999.32 (Section 1810).
- Add LPCC license type and language referring to advertisements of unlicensed professional clinical counselor interns (Section 1811).

- Add the annual renewal fee for professional clinical counselor interns (\$100), the biennial active renewal fee for licensed professional clinical counselors (\$175), and the annual renewal fee for licenses issued pursuant to BPC section 4999.54(a)(1) (\$150). BPC section 4999.120 authorizes charging fees for these renewals. The amounts do not exceed the cap specified in BPC section 4999.120 (Section 1816).
- Add the LPCC initial license issuance fee (\$200) and the professional clinical counselor intern registration fee (\$100). BPC section 4999.120 authorizes charging fees for initial license issuance. The amounts do not exceed the cap specified in BPC section 4999.120 (Section 1816.1).
- Add the LPCC jurisprudence and ethics examination fee (\$100), the LPCC examination fee (\$100) for the examination required by 4999.54(b), and the fee for the LPCC written examination (\$150). BPC section 4999.120 authorizes charging fees for examinations. The amounts do not exceed the cap specified in BPC section 4999.120 (Section 1816.2).
- Add the LPCC examination eligibility fee (\$180). BPC section 4999.120 authorizes charging a fee for examination eligibility. The amount does not exceed the cap specified in BPC section 4999.120 (Section 1816.4).
- Add LPCC biennial inactive renewal fee (\$87.50) and inactive renewal fee for licenses issued pursuant to BPC section 4999.54(a)(1)(\$75). BPC section 4999.112 mandates setting an inactive fee that is half of the active license renewal fee. (Section 1816.6)
- Add the delinquency fee for LPCC license (\$87.50) and the delinquency fee for a license issued pursuant to BPC section 4999.54(a)(1)(\$75). BPC section 4999.104 authorizes the BBS to collect a delinquency fee. The delinquency fee for all other BBS license types is half of the active license renewal fee. (Section 1816.7)
- Add the application fee (\$180) for LPCC licensure pursuant to BPC section 4999.54. BPC section 4999.120 authorizes charging a fee for applications for licensure. The amount does not exceed the cap specified in BPC section 4999.120 (Section 1816.8).
- Add the updated revision date to the “Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern” form (3/10), the title of licensed professional clinical counselors and professional clinical counselor intern, and reference to BPC section 4999.76 (Section 1833.1). The changes to this section will also require a change to the form “Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern.” The necessary changes include the following:
 - Update the letterhead;
 - Update the form revision date (3/10);
 - Add the license title “Licensed Professional Clinical Counselor” under item number one on the form; and,
 - Add the registration title “professional clinical counselor intern” under item number three on the form.

- Add professional clinical counselor license type (Section 1833.2).
- Update revision date of “Responsibility Statement for Supervisors of an Associate Clinical Social Worker” form (Section 1870). The form incorporated by reference in this section will also need to be changed due to changes to Section 1874. The necessary changes include the following:
 - Update the form revision date (3/10);
 - Add the license title “Licensed Professional Clinical Counselor” under item number one on the form; and,
 - Add a reference to “LPCCs” under the asterisk.
- Add the title of licensed professional clinical counselor (Section 1874).
- Add the title of licensed professional clinical counselor (Section 1880).
- Add the title of licensed professional clinical counselor and professional clinical counselor intern (Section 1886).
- Add language referencing Chapter 16 of the BPC (Section 1886.40).
- Add the title of licensed professional clinical counselor (Article 8).
- Add a reference to BPC section 4999.76 and 4999.90(b) (Section 1887.1).
- Make several grammatical and non-substantive changes (Section 1887.3).
- Add the title of professional clinical counselors and a reference to BPC section 4999.76 (Section 1887.4).
- Add reference to BPC section 4999.76(d) (Section 1887.6).
- Update revision date of “Continuing Education Provider Application” (rev 3/10) (Section 1887.7). The changes to the form “Continuing Education Provider Application,” which is incorporated by reference in Section 1887.7, follow:
 - Update the letterhead;
 - Update the form revision date (3/10);
 - Update address of BBS on instructions page;
 - Replace item number five in the current version with a question asking the applicant if he or she has ever applied to be a CE provider before; and,
 - Make several non-substantive grammatical changes to the instructions page.
- Add reference to Chapter 16 of the BPC (Section 1887.8).
- Add reference to LPCCs (Section 1887.9).

Addition of New LPCC Sections Relating to Work Experience, Supervision and Education

- Add Section 1810.1 (California Law and Ethics Training; Acceptable Education Providers), which clarifies from what entities LPCC applicants and marriage and family therapy out-of-state applicants may obtain required coursework.
- Add Section 1810.2 (Crisis or Trauma Counseling Training), which clarifies from what entities LPCC applicants may obtain required coursework.
- Add Section 1820 (Experience), which defines the term supervision, clinical mental health setting, and community mental health setting. In addition, Section 1820 sets forth the conditions under which supervision can be credited.
- Add Section 1820.5 (Experience Working Directly with Couples, Families, or Children), which clarifies means of acquiring the required supervised experience needed in order for LPCCs to qualify to assess and treat couples and families.
- Add Section 1821 (Requirements for Supervisors), which sets forth the qualifications licensed mental health professionals must possess prior to supervising a professional clinical counselor intern.
- Add Section 1822 (Supervisory Plan), which requires supervisors of professional clinical counselor interns complete a Supervisory Plan. The changes to the form Supervisory Plan, which is incorporated by reference, follow:
 - Add the titles professional clinical counselor interns and Professional Clinical Counselor to the introductory paragraph;
 - Add references to BPC sections 4996.23(a) and 4999.12(h) to the introductory paragraph;
 - Add reference to Section 1822 to the introductory paragraph;
 - Replace references to “Associate Clinical Social Worker,” “Associate,” and “ASW” with “registrant” and “registration” in introductory paragraph and headings;
 - Replace “licensure” with “examination eligibility” in the introductory paragraph;
 - Add “Community Mental Health Facility” to the list of Employment Settings;
 - Update the letterhead; and,
 - Update the form revision date (3/10).

Addition of LPCC Language to Disciplinary Guidelines

- Update revision date for “Board of Behavioral Sciences Disciplinary Guidelines” (Section 1888).
- Add references to BPC Section 4999.90 subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), and (z), BPC section 4990.38, and BPC section 728 to “Penalty Guidelines.”
- Add reference to LPCCs to “Education” and “Law and Ethics Course” under “Optional Terms and Conditions of Probation.”

- Add reference to BPC section 4999.32 and 4999.33 to “Law and Ethics” under “Optional Terms and Conditions of Probation.” Add reference to BPC section 4999.20 to “Residing of Practicing Out-of-State” and “Failure to Practice – California Resident” under “Optional Terms and Conditions of Probation.”
- Add reference to professional clinical counselor to “Reinstatement/Reduction of Penalty Hearings.”
- Add reference to BPC section 4990.38 to “Residing or Practicing Out-of-State” under “Optional Terms and Conditions of Probation.”

Clean-up Due to Revised Forms and Previously Repealed or Moved BPC Sections

- Add reference to BPC section 4996.2, which is the BPC section requiring the Human Sexuality Training for clinical social workers (Section 1807).
- Update revision date (3/10) of Supervisory Plan (Section 1870.1). The changes to the Supervisory Plan, which is incorporated by reference in Section 1870.1, follow:
 - Add the titles professional clinical counselor interns and Professional Clinical Counselor to the introductory paragraph;
 - Add references to BPC sections 4996.23(a) and 4999.12(h) to the introductory paragraph;
 - Add reference to Section 1822 to the introductory paragraph;
 - Replace references to “Associate Clinical Social Worker,” “Associate,” and “ASW” with “registrant” and “registration” in introductory paragraph and headings;
 - Replace “licensure” with “examination eligibility” in the introductory paragraph;
 - Add “Community Mental Health Facility” to the list of Employment Settings;
 - Update the letterhead; and,
 - Update the form revision date (3/10).
- Add language referring to marriage and family therapists. All other types of licensed mental health professionals are referenced in the code section (Section 1880).
- Add language referring to BPC Chapter 13.5. All other chapters pertaining to BBS issued licenses are listed (Section 1886.40).
- Change language to refer to 4980.44(c) and 4996.18(h). The current references are erroneous (Section 1811).

Add Mandatory Continuing Education Requirements for Licensed Educational Psychologists

- Require that an LEP, in addition to meeting all other requirements for licensure, complete child abuse assessment training prior to applying for his or her first license renewal on or after January 1, 2012 (Section 1807.2).

- Require that an LEP that renews his or her license after January 1, 2012 complete at least 15 hours of instruction and training in alcoholism and other chemical substance dependency. In addition, require that the training and coursework received by the LEP be obtained from an accredited or approved educational institution, a governmental entity, a licensed health facility or a CE provider approved by the BBS (Section 1810).
- Set the application fee for CE providers that offer LEP CE courses at two hundred dollars (\$200) (Section 1819.1).
- Add the phrase “And Licensed Educational Psychologists” to the Title of Article 8, which sets forth mandatory CE requirements for all BBS licensees.
- Add a new definition to the CE requirements for Marriage and Family Therapists, Licensed Clinical Social Workers, LPCCs, and LEPs entitled “initial renewal period” (Section 1887).
- Add a reference to BPC sections 4989.34 and 4989.54 (b). Specify a timeline for licensees to meet the proposed LEP CE requirements in which licensees renewing January 1, 2012 through December 31, 2012 are required to complete 18 units of CE. On or after January 1, 2013, all LEP licensees are required to complete 36 units of CE prior to biennial renewal (Section 1887.1).
- Require LEPs complete six hours of training or coursework in law and ethics each renewal period. Specify a timeline for licensees to meet the proposed LEP CE requirements in which licensees renewing January 1, 2012 through December 31, 2012 are required to complete 18 units of CE. On or after January 1, 2013, all LEP licensees are required to complete 36 units of CE prior to biennial renewal (Section 1887.3)
- Add a reference to educational psychology and BPC Section 4989.34 (Section 1887.4).
- Add a reference to Chapter 13.5 of the BPC (Section 1887.8).
- Add language referring to LEPs (Section 1887.9).
- Add a reference to BPC Section 4989.34 (Sections 1807.2, 1810, 1819.1, 1887 ,1887.1, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, and 1887.14).

Clarifications Relating to Continuing Education Exceptions and Reasonable Accommodations

- Make numerous changes to Section 1887 (Exceptions from Continuing Education Requirements). Current language allows the BBS to grant reasonable accommodations if during the licensee’s previous renewal period, the licensee or an immediate family member for whom the licensee is a primary caregiver suffered a disability. The proposed changes will:

- Add a reference to BPC section 4999.112, a form entitled “Request for Continuing Education Exception – License Application,” and a form entitled “Request for Continuing Education Exception – Verification of Disability or Medical Condition;”
- Require the request for exception or accommodation be submitted at least 60 days prior to the expiration date of a license;
- Clarify the valid time period for an approved exception;
- Add the term “reasonable accommodation” in subsection (c) for consistency;
- Clarify the term disability to include physical and mental disabilities;
- Specify that a domestic partner shall be considered an immediate family member;
- Specify the time period during the previous renewal period to be one year in order to qualify for a reasonable accommodation; and,
- Deletes references to information that will now be included with the “Request for Continuing Education Exception – Verification of Disability or Medical Condition.”

Factual Basis/Necessity

SB 788 created a new mental health license type in California and mandates the BBS implement the regulations of the new license. BPC Section 4990.20 authorizes the BBS to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the BPC for which it is responsible, which now includes Chapter 16 (Licensed Professional Clinical Counselors) of Division 2.

In order to administer and enforce the new mental health license type, the BBS must make modifications to existing regulations relating to application fees, examination fees, license renewal fees, supervision requirements, continuing education requirements, administrative actions, and disciplinary guidelines.

Furthermore, other changes to existing regulations correct erroneous BPC section references. The Governor’s approval of SB 1475 (Figueroa) on September 29, 2006 moved various sections of the BPC. The authority cited and code references in numerous regulations must be updated to refer to the appropriate BPC sections. Currently, multiple regulations refer to erroneous BPC sections.

The language of several regulations also includes references to repealed BPC sections, specifically BPC section 4996.20 and 4996.21. Upon the Governor’s approval of SB 819 (Yee) on October 11, 2009, these BPC sections were repealed. The only remaining BPC section referring to qualifying supervised work experience for licensed clinical social workers is BPC section 4996.23.

The BBS has made several non-substantive changes to forms relating to mandatory supervision requirements for registrants pursuing licenses as clinical social workers and marriage and family therapists. Revision dates for these forms are referenced in regulation; thus, those dates must be changed.

Changes to the sections relating to continuing education are necessary to make specific and implement the statutory mandates set forth in BPC Section 4989.34. BPC section 4989.34 requires an LEP, upon renewal of his or her license, to provide proof of not less than 36 hours

of approved CE in the preceding two years. These specific regulatory changes are also necessary to allow licensees sufficient time to comply with the new CE requirements. Assuming this proposed rulemaking becomes law January 1, 2011 this provision will give licensees required to renew an LEP license January 1, 2012, through December 31, 2012 one year to complete required CE. Renewal is biennial, allowing licensees two years to complete 36 units of CE, or 18 units per year. This regulatory change takes into consideration the time limitation in completing the new requirement and therefore requires 18 units for the first renewal occurring after January 1, 2012. (See proposed amendments to Sections 1887.1 through 1887.3.)

Beginning in 2012, this proposed rulemaking would mandate that an LEP complete specific coursework prior to his or her renewal. BPC section 4989.34(c) specifies that CE training, education and coursework shall incorporate aspects of the discipline that are fundamental to the understanding or practice of educational psychology. This proposal mandates specific coursework that is consistent with those requirements.

The scope of practice of an LEP as described in BPC Section 4989.16 includes providing psychological counseling for individuals, groups and families. In order to accomplish the statutory mandate to include course work integral to the practice of an LEP, as set forth in section 4989.34, it is necessary to require the specific coursework outlined in the proposed regulatory changes. This specific coursework is required of LCSWs and MFTs, who also are permitted to provide psychological counseling to individuals, groups and families. Additionally, it is necessary to ensure that all licensees under the jurisdiction of the BBS have comparable competencies and education with special populations and issues in order to provide the same level of consumer protection to all consumers of services from each of the BBS's licensees.

Also, this proposed rulemaking applies regulation sections related to CE currently applicable to MFTs and LCSWs to LEPs. Business and Professions Code section 4989.34 authorizes the BBS to establish, by regulation, a procedure for approving providers of LEP CE courses and to set minimum standards for those CE course providers. The BBS's current minimum standards effectively implement the CE provider approval process for other BBS licensees' CE and such implementation would help ensure consistent standards across all licensing categories. These standards include: setting CE course content (Section 1887.4), crediting hours of CE (1887.5), a process for recognizing approved providers (1887.6), setting instructor qualifications (1887.7, 1887.10), a procedure for issuing approvals (Section 1887.7), a process for disciplining or denying approvals (1887.8), minimum advertising requirements (1887.9), detailing course completion requirements (1887.11), specifying records retention requirements for the CE provider and the licensee (1887.12), setting procedures for renewal of an expired CE provider approval (1887.13), and specifying a time limit for renewal of an approval after it expires (1887.14). Changes to these sections are necessary to implement such standards and to make the BBS's current CE provider requirements applicable to those providers who wish to be approved to offer CE to LEPs.

This proposed rulemaking also makes changes to the CE exception process. In particular, this rulemaking makes changes to the regulation language and to the forms incorporated by reference and revises the BBS's processes for the granting of reasonable accommodations. The federal Americans with Disabilities Act (ADA) (42 U.S.C. §§ 12101 and following) and the California Fair Employment and Housing Act (FEHA) (Government Code Sections 12900-12996) are both civil rights laws enacted for individuals with disabilities. The ADA provides

protections for those with disabilities from discrimination. Similarly, the FEHA was enacted to provide added protections for those individuals with disabilities in California. The FEHA is made applicable to the BBS and other state licensing agencies through Government Code section 12944, subdivision (b). FEHA contains broad definitions of physical disability, mental disability and medical condition. In passing FEHA, the legislature found and declared the following:

- The importance of the interactive process between the applicant or employee and the employer in determining a reasonable accommodation, as this requirement has been articulated by the equal Employment Opportunity Commission in its interpretive guidance of the ADA;
- The definition of physical disability and mental disability under California law require a “limitation” upon major life activity, but do not require, as does the ADA, a “substantial limitation.” According to FEHA, this distinction is intended to result in broader coverage under California law than under the federal ADA;
- That it is intended that State law be independent of the ADA; and,
- California state agencies must comply with the federal ADA and the California FEHA. (Government Code section 12926.1.)

In recognition of the foregoing, proposed changes to Section 1887.2 set forth the criteria for granting an exception to the CE requirements for MFTs, LEPs, LCSWs and LPCCs pursuant to BPC sections 4980.54, 4989.34, 4996.22, and 4999.76, consistent with FEHA. Further, this proposed rulemaking will clarify that other reasonable accommodations may be provided rather than a complete exception for persons with a disability or medical condition. This change is necessary to bring this section and the BBS’s forms into compliance with both the ADA and the broader protections of FEHA. Originally, this regulatory section was adopted consistent with the ADA definition of disability. However, FEHA has since changed the definition of disability in California. FEHA requires that a mental or physical disability present a “limitation” upon a major life activity, but does not require, as does the ADA, a “substantial limitation.” (Government Code section 12926.1(c); 42 U.S.C. section 12102). As a result, it is necessary to revise subdivisions (d) of this Section and add and make changes to existing forms to provide updated documents and procedures for granting reasonable accommodations as required by law.

Other regulatory changes to this Section that would help to ensure compliance with FEHA are as follows:

- In addition to disability, permit a medical condition to be considered for an exception, as defined in FEHA; and,
- Clarify that a disability may be physical or mental, as defined in Government Code section 12926.

Other changes to this Section include that the CE exception request and form must be received at least sixty (60) days prior to the expiration date of the license for the request for exception to be considered by the BBS. This is necessary to permit the BBS time to process

the request before the expiration of a license and to ensure that the licensee will have time to meet the CE requirements if the exception is not approved.

Underlying Data

None

Business Impact

This proposal will not have adverse economic impact on businesses. This proposal would only affect individuals who choose to pursue license as a professional clinical counselor and imposes no new fees or fee increases for current licensees of the BBS.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the BBS would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

ARTICLE 1. GENERAL PROVISIONS

§1800. DECLARATORY DECISIONS

No decision or opinion issued by the Board is a declaratory decision under Government Code Sections 11465.10.-11465.70. unless the decision or opinion specifically states that it is a "Declaratory Decision".

Note: Authority cited: Sections 4980.60 and ~~4990.14~~4990.20, Business and Professions Code. Reference: Sections 11465.10-11465.70, Government Code.

§1802. DEFINITIONS

For the purpose of the rules and regulations contained in this chapter, the term "board" means the Board of Behavioral Sciences; and the term "Code" means the Business and Professions Code.

Note: Authority cited: Sections 4980.60 and ~~4990.14~~4990.20, Business and Professions Code. Reference: Sections 4990 ~~and~~ ~~4990.1~~, Business and Professions Code.

§1803. DELEGATION OF CERTAIN FUNCTIONS

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing, issue orders compelling an evaluation of a licensee's physical or mental condition in accordance with Section 820 of the Business and Professions Code and perform other functions necessary to the efficient dispatch of the business of the board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

Note: Authority cited: Sections 4980.60 and ~~4990.14~~4990.20, Business and Professions Code. Reference: Sections 820, 4980.07, ~~4990.8 and 4990.13~~ 4990.04 and 4990.12, Business and Professions Code; and Section 11500-11528, Government Code.

§1804. FILING OF ADDRESSES

Each person or professional corporation regulated by the board shall maintain a current mailing address with the board and shall notify the board within thirty (30) days concerning any change of address giving both the old and new addresses.

Note: Authority cited: Sections 4980.60, 4990.11 and ~~4990.14~~4990.20, Business and Professions Code. Reference: Sections 4980.07, ~~4990.11 and 4990.13~~4990.08 and 4990.12, Business and Professions Code.

§1805. APPLICATIONS

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4989.20,

§1805.1. PERMIT PROCESSING TIMES

"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various programs are set forth below. The actual processing times reflect the period from the date the board receives an application to the date a license or registration is issued, and apply to those persons who take and pass the first actual available examination.

PROGRAM	Maximum time for notifying that application is complete or deficient	Maximum time after receipt of a complete application to issue or deny license or registration	ACTUAL PROCESSING TIMES BASED ON PRIOR TWO YEARS		
			Minimum	Median	Maximum
MFT Intern Registration	60 days	30 days	15	100	186
MFT License	90 days	120 days	104	182	260
LCSW Associate Registration	60 days	30 days	15	53	90
LCSW License	90 days	120 days	104	178	253
LEP License	90 days	120 days	98	179	260
CE Provider Approval	30 days	30 days	n/a	n/a	n/a
MFT Referral Service Registration	30 days	30 days	n/a	n/a	n/a
All Renewals	30 days	60 days	28	42	56

Note: Authority Cited: Sections 650.4, 4980.60 and 4990.14 4990.20, Business and Professions Code. Reference: Section 15376, Government Code.

§1806. ABANDONMENT OF APPLICATION

An application shall be deemed abandoned under any of the following circumstances:

(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) 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.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of initial eligibility to take the standard written examination.

(d) The applicant fails to sit for the clinical vignette examination within one (1) year of being notified of passing the standard written examination.

(e) The applicant fails to sit for the jurisprudence and ethics examination required in Section 4999.52 and 4999.54 of the Code within one (1) year after being notified of initial eligibility to take the jurisprudence and ethics examination.

(f) The applicant fails to sit for the examination required in 4999.54 (b) (2) of the Code within one (1) year after being notified of initial eligibility to take the examination.

(g) The applicant fails to sit for an examination required in 4999.52 (c) (5) of the Code within one (1) year after

being notified of initial eligibility to take that examination.

~~(e)~~ (h) An applicant fails to retake an examination within one (1) year from the date the applicant was notified of failing an examination.

~~(f)~~ (i) 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 an application has been abandoned shall be treated as a new application, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4984.7, 4989.20, 4989.68, 4992, and 4996.3, 4999.50, 4999.52, 4999.54, and 4999.120, Business and Professions Code.

§1807. HUMAN SEXUALITY TRAINING

The human sexuality training required of marriage and family therapists, ~~and clinical social workers, and professional clinical counselors~~ by Sections 25, ~~and~~ 4980.41, 4996.2, and 4999.32 of the Code shall:

- (a) Consist of a minimum of ten (10) hours of training or coursework.
- (b) Include the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior or sexual disorders.
- (c) Have been completed after January 1, 1970, and shall have been obtained from one of the educational institutions or entities specified herein:
 - (1) An educational institution accredited by one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or
 - (2) An educational institution approved by the Bureau for Private Postsecondary ~~and Vocational~~ Education pursuant to Sections ~~94900 and 94904~~ 94887 and 94802 of the Education Code, including extension courses offered by such institutions; or
 - (3) A continuing education provider approved by the board; or
 - (4) A course sponsored by a professional association; or
 - (5) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 25, 4980.41, 4980.54, 4996.2, and 4996.22, and 4999.32, Business and Professions Code.

§1807.2. CHILD ABUSE ASSESSMENT TRAINING REQUIREMENTS

In addition to all other requirements for licensure, All all persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor or renewal of a license as an ~~marriage and family therapist or clinical social worker~~ educational psychologist shall in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting and shall submit documentation to the board. The coursework or training in child abuse assessment and reporting shall consist of not less than 7 classroom hours and shall include training in each of the subject areas described in Section 28 of the Code. The coursework or training shall be:

(a) Obtained at an educational institution, or in an extension course offered by an institution which is accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, pursuant to Sections ~~94900 and 94904~~ 94887 and 94802 of the Education Code; or

(b) Obtained from a statewide professional association representing the professions of psychology, social work or marriage and family therapy; or

(c) Obtained from or sponsored by a local, county, state or federal governmental entity, or licensed health facility; or

(d) Obtained from a continuing education provider approved by the board.

(e) Completed after January 1, 1983.

(f) A licensed educational psychologist shall meet the requirements of this section prior to applying for his or her first license renewal on or after January 1, 2012.

Note: Authority cited: Sections 28, 4980.60, 4989.34 and 4990.14 4990.20, Business and Professions Code. Reference: Sections 28, 4980.54, and 4989.34, 4996.22, and 4999.32 Business and Professions Code; and Sections 11165 and 11166, Penal Code.

§1810. ALCOHOLISM AND OTHER CHEMICAL SUBSTANCE DEPENDENCY TRAINING

(a) The instruction and training in alcoholism and other chemical substance dependency required by Sections 4980.41, 4980.80, 4980.90, 4996.2, and 4996.17, and 4999.32 of the Code shall consist of not less than fifteen hours of classroom training or coursework and shall include each of the following areas:

- (1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.
- (2) Medical aspects of alcoholism and other chemical dependency.
- (3) Current theories of the etiology of substance abuse.
- (4) The role of persons and systems that support or compound the abuse.
- (5) Major treatment approaches to alcoholism and chemical dependency.
- (6) Legal aspects of substance abuse.
- (7) Knowledge of certain populations at risk with regard to substance abuse.
- (8) Community resources offering assessment, treatment and follow-up for the abuser and family.
- (9) The process of referring affected persons.
- (10) Education concerning and prevention of substance abuse.

(b) For persons subject to Section 4980.41 (d) of the Code, the training or coursework shall be:

(1) Obtained from an educational institution or in an extension course offered by an institution that is either accredited by one or more of the entities specified in Section 1832 of these regulations or is approved by the Bureau for Private Postsecondary and Vocational Education pursuant to Sections ~~94900 and 94904~~ 94887 and 94802 of the Education Code;

(c) For all others, the training or coursework shall be:

- (1) Obtained from the educational institutions identified in subsection (b) (1); or
- (2) Obtained from or sponsored by a local, county, state or federal governmental entity; or
- (3) Obtained from a licensed health facility; or
- (4) Obtained from a continuing education provider approved by the board.

(d) A licensed educational psychologist that renews his or her license on or after January 1, 2012 shall receive not less than fifteen (15) hours of instruction and training in alcoholism and other chemical substance dependency that shall include classroom training or coursework in each of the following areas:

- (1) The definition of alcoholism and other chemical dependency, and the evaluation of the abuser.
- (2) Medical aspects of alcoholism and other chemical dependency.
- (3) Current theories of the etiology of substance abuse.
- (4) The role of persons and systems that support or compound the abuse.
- (5) Major treatment approaches to alcoholism and chemical dependency.
- (6) Legal aspects of substance abuse.
- (7) Knowledge of certain populations at risk with regard to substance abuse.
- (8) Community resources offering assessment, treatment and follow-up for the abuser and family.
- (9) The process of referring affected persons.
- (10) Education concerning and prevention of substance abuse.

(e) Training and coursework received pursuant to subsection (d) of this section shall be obtained as provided in subsection (c) of this section.

Note: Authority cited: Sections 4980.60, 4989.34 4990.14 and 4990.20, Business and Professions Code. Reference: Sections 4980.41, 4980.80, 4980.90, 4989.34, 4996.2, and 4996.17, and 4999.32, Business and Professions Code.

§1810.1. CALIFORNIA LAW AND ETHICS TRAINING; ACCEPTABLE EDUCATION PROVIDERS

The California law and ethics training required of professional clinical counselors and out-of-state marriage and family therapist applicants required by Sections 4999.32 and 4980.80 of the Code shall:

(a) Have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,

(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94887 and 94802 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider approved by the board; or

(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.80 and 4999.32, Business and Professions Code.

§1810.2. CRISIS OR TRAUMA COUNSELING TRAINING

The crisis or trauma counseling training required by Sections 4999.32 of the Code shall:

(a) Have been obtained from one of the educational institutions or entities specified herein:

(1) An educational institution accredited by the Western Association of Schools and Colleges or one or more of those entities specified in Section 1832 of these regulations, including extension courses offered by such institutions; or,

(2) An educational institution approved by the Bureau for Private Postsecondary Education pursuant to Sections 94887 and 94802 of the Education Code, including extension courses offered by such institutions; or

(3) A continuing education provider approved by the board; or

(4) A course sponsored, offered, or approved by a state, county, or local department of health services or department of mental health.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4999.32, Business and Professions Code.

§1811. USE OF LICENSE NUMBER IN DIRECTORIES AND ADVERTISEMENTS

All persons or referral services regulated by the board who advertise their services shall include their license or registration number in the advertisement unless such advertisement contains the following specific information:

(a) The full name of the licensee or registered referral service as filed with the board; and

(b) A designation of the type of license or registration held as follows:

(1) Licensed Marriage and Family Therapist.

(2) Licensed Educational Psychologist.

(3) Licensed Clinical Social Worker.

(4) Registered MFT Referral Service.

(5) Licensed Professional Clinical Counselor

(c) An unlicensed Marriage and Family Therapist Registered Intern may advertise if such advertisement complies with Section 4980.44(a)(4)(c) of the Code making disclosures required by that section.

(d) An unlicensed Associate Clinical Social Worker may advertise if such advertisement complies with Section 4996.18 (e) of the Code making disclosures required by that section.

(e) An unlicensed Professional Clinical Counselor Intern may advertise if such advertisement complies with Section 4999.45(c) of the Code making disclosures required by that section.

Note: Authority cited: Sections 137, 650.4, 4980.60 and 4990.14 4990.20, Business and Professions Code. Reference: Sections 137, 4980.44, and 4996.18, and 4999.45, Business and Professions Code.

§1812. SUBSTANTIAL RELATIONSHIP CRITERIA

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3 of Division 7 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

Note: Authority cited: Sections 4980.60 and 4990.14 4999.20, Business and Professions Code. Reference: Sections 481, 490 and 4982, Business and Professions Code.

§1813. CRITERIA FOR REHABILITATION-DENIAL OF LICENSURE

When considering the denial of a license or registration under Section 480 of the Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration shall consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in Section 480 of the Code.
- (d) The extent to which the applicant has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 4980.60 and 4990.14 4990.20, Business and Professions Code. Reference: Sections 482 and 4982, Business and Professions Code.

§1814. CRITERIA FOR REHABILITATION-SUSPENSIONS OR REVOCATIONS

(a) When considering the suspension or revocation of a license, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the suspension or revocation.
- (4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may

have been unintentional, inadvertent or immaterial.

(7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.

(8) Evidence, if any, of rehabilitation submitted by the licensee.

(b) When considering a petition for reinstatement of a license or registration under the provisions of Section 11522 of the Government Code, the board shall evaluate evidence of rehabilitation submitted by the petitioner considering those criteria specified in Section 1813 of this article.

Note: Authority cited: Sections 4980.60 4990.14 4990.20, Business and Professions Code. Reference: Sections 482 and 4982, Business and Professions Code.

§1815. FINGERPRINT SUBMISSION

(a) All licensees and registrants who have not previously submitted fingerprints as a condition of licensure or registration or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after October 31, 2009, or as directed by the board.

(b) Failure of a licensee or registrant to comply with subdivision (a) is grounds for disciplinary action by the board against the license or registration.

(c) Licensees and registrants shall retain, for at least three years, as evidence of their having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those licensees or registrants who did not use an electronic fingerprinting system, a receipt evidencing that the licensee's or registrant's fingerprints were taken.

(d) Licensees and registrants shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(e) As a condition of petitioning the board for reinstatement of a revoked or surrendered license or registration, an applicant shall comply with subsection (a).

(f) The board may waive the requirements of this section for licensees or registrants who are actively serving in the United States military. The board may not return a license or registration to active status until the licensee or registrant has complied with subdivision (a).

Note: Authority cited: Sections 4990.16, 4990.18, 4990.20 and 4996.6, Business and Professions Code. Reference: Sections 4982(a), 4989.54(a), 4992.3(a), and 4996.6, and 4999.90 (a) Business and Professions Code; and Sections 11105(b)(10), and 11105(e), Penal Code.

ARTICLE 2. FEES

§1816. RENEWAL FEES

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

(b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(c) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(d) The annual renewal fee for professional clinical counselor interns is one hundred dollars (\$100.00).

~~(d)~~ (e) The biennial active renewal fee for a marriage and family therapist is one hundred thirty dollars (\$130.00).

~~(e)~~ (f) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

~~(f)~~ (g) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

(h) The biennial active renewal fee for a licensed professional clinical counselor is one hundred seventy-five dollars (\$175.00).

(i) The annual renewal fee for licenses issued pursuant to Section 4999.54 (a)(1) of the Code is one hundred fifty dollars (\$150.00).

~~(g)~~ (j) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

~~(h)~~ (k) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).

~~(i)~~ (l) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

~~(j)~~ (m) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4989.68, 4996.3, 4996.6, 4996.18, and 4996.22, and 4999.120, Business and Professions Code.

§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 issuance of the professional clinical counselor intern registration 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, and 4996.18, and 4999.120, Business and Professions Code.

§1816.2. EXAMINATION FEES

(a) The licensed clinical social worker standard written examination fee shall be one hundred dollars (\$100.00).

(b) The licensed clinical social worker written clinical vignette examination fee shall be one hundred dollars (\$100).

(c) The marriage and family therapist standard written examination fee shall be one hundred dollars (\$100.00).

(d) The marriage and family therapist written clinical vignette examination fee shall be one hundred dollars (\$100.00).

(e) The licensed educational psychologist written examination fee shall be one hundred dollars (\$100.00).

(f) The licensed professional clinical counselor jurisprudence and ethics examination shall be one hundred dollars (\$100.00).

(g) The licensed professional clinical counselor examination described in Section 4999.54(b) of the Code shall be one hundred dollars (\$100.00).

(h) The fee for the licensed professional clinical counselor written examination shall be one hundred and fifty dollars (\$150.00).

Note: Authority Cited: 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3(a), and 4996.4, and 4999.120, Business and Professions Code.

§1816.3. EXAMINATION RESCORING FEES

The fee for rescoring any marriage and family therapist, licensed clinical social worker, or licensed educational psychologist written examination shall be twenty dollars (\$20.00).

Note: Authority cited: Sections 4980.60 and 4990.14 4990.20, Business and Professions Code. Reference: Sections 4984.7, ~~4986.80~~ 4989.68, and 4996.3, Business and Professions Code.

§1816.4. EXAMINATION APPLICATION FEES

(a) The fee for the marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).

(b) The fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).

(c) The fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).

(d) The fee for the licensed professional clinical counselor examination eligibility application shall be one hundred and eighty dollars (\$180.00).

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, and 4996.3, and 4999.120, Business and Professions Code.

§1816.5. REPLACEMENT AND CERTIFICATION FEES

(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20.00).

(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, ~~4986.80~~ 4989.68, and 4996.6, Business

and Professions Code.

§1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance or renewal of an inactive marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The fee for issuance or renewal of an inactive licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The fee for issuance or renewal of an inactive licensed educational psychologist license shall be forty dollars (\$40.00).

(d) The fee for issuance or biennial renewal of an inactive licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

(e) The fee for issuance or annual renewal of an inactive license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.8, 4989.44, and 4997, and 4999.112, Business and Professions Code.

§1816.7. DELINQUENT FEES

(a) The delinquency fee for the marriage and family therapist license shall be sixty-five dollars (\$65.00) ~~except for the period of time in subsection (e).~~

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (f).~~

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (g).~~

(d) The delinquency fee for the licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

(e) The delinquency fee for the license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).

~~(d)-(f) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).~~

~~(e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage and family therapist license shall be twenty five dollars (\$25.00).~~

~~(f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty five dollars (\$25.00).~~

~~(g) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty five dollars (\$25.00).~~

Note: Authority cited: Sections 4980.60 and 4990.144990.20, Business and Professions Code. Reference: Sections 4984.7, 4986.804989.60, and 4996.6, and 4999.104, Business and Professions Code.

§1816.8. APPLICATIONS FOR LICENSURE PUSUANT TO BUSINESS AND PROFESSIONS

CODE SECTION 4999.54

(a) The application fee for licensure pursuant to Business and Professions Code Section 4999.54 shall be one hundred and eighty dollars.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4999.54 and 4999.120, Business and Professions Code.

§1819.1. CONTINUING EDUCATION PROVIDER FEES

The application fee for board approval as a continuing education provider is two hundred dollars (\$200.00). This fee also covers the issuance of the initial two-year continuing education provider approval.

Note: Authority Cited: Sections 4980.60, 4989.34, and 4990.144990.20, Business and Professions Code. Reference: Sections 4980.54, 4989.34, 4996.22, 4999.32, and 4999.76, Business and Professions Code.

ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1820 EXPERIENCE

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

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

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

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

(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.

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

(1) A majority of clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

(2) Clients receive coordinated care that includes the collaboration of mental health providers; and,

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

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

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or intern shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

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

(3) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the intern's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern.

(4) The applicant or intern maintains a record of all hours of experience gained toward licensure on the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" (form. No. 1800 37A-645 New 03/10). The record of hours must be signed by the supervisor on a weekly basis. An intern shall retain all "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" as it deems necessary to verify hours of experience.

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

NOTE: Authority cited: Section 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections 4999.44, 4999.45, 4999.46, 4999.47 Business and Professions Code.

§1820.5 EXPERIENCE WORKING DIRECTLY WITH COUPLES, FAMILIES, OR CHILDREN

(a) Professional clinical counselor interns and clinical counselor trainees shall be exempt from Section 4999.20 (a)(3) of the Code if the intern or trainee meets both of the following requirements:

(1) Is gaining supervised experience to comply with 4999.20(a)(3)(B) of the Code; and,

(2) The supervised experience is gained under the direct supervision of a marriage and family therapist or a licensed professional clinical counselor who meets all requirements specified in Section 4999.20 (a)(3) of the Code.

(b) A licensed professional clinical counselor shall be exempt from Section 4999.20 (a)(3) of the Code if the licensee meets all of the following requirements:

(1) Is gaining supervised experience to comply with Section 4999.20(a)(3)(B) of the Code;

(2) The supervised experience is gained under the direct supervision of a marriage and family therapist or a licensee who meets all requirements specified in Section 4999.20 (a)(3) of the Code.

(3) The licensed professional clinical counselor gaining the hours of supervised work experience to comply with Section 4999.20(a)(3) of the Code meets both of the following requirements:

(A) Has completed, beyond the minimum training and education, six semester units or nine quarter units specifically focused on the theory and application of marriage and family therapy or a named specialization or emphasis area on the qualifying degree in marriage and family therapy; marital and family therapy; marriage, family, and child counseling; or couple and family therapy.

(B) Completes a minimum of six hours of continuing education specific to marriage and family therapy, completed in each renewal cycle.

NOTE: Authority cited: Sections 4990.20 and 4999.20, Business and Professions Code. Reference: Sections 4999.20 and 4999.20 Business and Professions Code.

§1821. REQUIREMENTS FOR SUPERVISORS

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

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

(1) The supervisor possesses and maintains a current valid California license as either a professional clinical counselor, marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4999.12 (h) of the Code and has been so licensed in California for at least two years prior to commencing any supervision.

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

(3) The supervisor keeps himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

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

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns.

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

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

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of

interns and the experience required for licensure as a professional clinical counselor.

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

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the intern the manner in which emergencies will be handled.

(c) Each supervisor shall provide the intern with the original signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern"(new 03/10, form #1800 37A-643) prior to the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form #1800 37A-634) from each supervisor upon application for examination eligibility.

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

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

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

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

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

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

§1822. SUPERVISORY PLAN

(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised 03/10), hereby incorporated by reference.

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

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

ARTICLE 4. MARRIAGE AND FAMILY THERAPIST

§1829. EXAMINATIONS

The written examinations shall consist of the following:

- (a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and
- (b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Section 4980.40, Business and Professions Code.

§1832. EQUIVALENT ACCREDITING AGENCIES

The following accrediting agencies are essentially equivalent to Western College Association, which has been renamed the Western Association of Schools and Colleges, and Northwest Association of Secondary and Higher Schools:

- (a) Middle States Association of Colleges and Secondary Schools.
- (b) New England Association of Schools and Colleges.
- (c) North Central Association of Colleges and Secondary Schools.
- (d) Southern Association of Colleges and Schools.
- (e) The Credentials Evaluation Service of the International Education Research Foundation, Inc. when it evaluates the foreign degree as being equivalent to the required degrees, and those foreign degree programs meet the educational requirements for equivalent degrees and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41 of the Code.
- (f) State of California, Department of Education, Bureau of School Approvals with respect to its functions under Education Code section 29023(a)(2), when applied to master's degree and/or doctoral programs which meet the requirements for an equivalent degree pursuant to section 1830 of these regulations, and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41, of the Code.

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.40, and 4980.41, and 4999.12, Business and Professions Code.

§1832.5 REQUIREMENTS FOR DEGREES FROM EDUCATIONAL INSTITUTIONS APPROVES BY THE BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

- (a) A doctor's or master's degree in marriage, family, and child counseling, marital 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 that held an approval to operate from the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007 shall be considered by the board to meet the course requirements necessary to qualify for licensure under Section 4980.40 or registration under 4980.44 of the Code provided that the degree is awarded on or before June 30, 2012.

(b) This Section will become inoperative if legislation reenacts the Private Postsecondary and Vocational Education Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education and that agency commences operations on or after January 1, 2009.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.40, 4980.40.5 and 4980.44, Business and Professions Code.

§1833. EXPERIENCE

(a) In order for experience to qualify under Section 4980.40(f) of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

(2) Experience shall not be credited for more than forty (40) hours in any week.

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group_counseling.

(4) No more than two hundred fifty (250) hours of experience will be credited for administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes; except that for any person who enrolled in a qualifying degree program prior to January 1, 1990, no more than five hundred (500) hours of experience may be credited for such activities.

(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, no more than two hundred fifty (250) hours of experience will be credited for actual time spent counseling or crisis counseling on the telephone.

(6) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

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

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

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

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

undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43(d)(1) of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43(d)(2) of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

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

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log shall be in the form specified below and shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

[See Barclays Official California Code of Regulations for original illustration]

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), and 4980.42 through 4980.45, Business and Professions Code.

§1833.1. REQUIREMENTS FOR SUPERVISORS

Any person supervising a trainee or an intern (hereinafter "supervisor") within California shall comply with the requirements below.

(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern"

(revised ~~08/07~~ 3/10, form #1800 37A-523) requiring that:

(1) The supervisor possesses and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

(2) A supervisor who is not licensed as a marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

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

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, ~~or~~ associate clinical social workers, or professional clinical counselor interns who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

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

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

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee"(revised ~~08/07~~ 3/10, form #1800 37A-523)

prior to the commencement of any counseling or supervision. Trainees and interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 08/07 3/10, form #1800 37A-523) from each supervisor upon application for licensure.

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

(d) The supervisor shall obtain from each trainee or intern for whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.

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

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

NOTE: Authority cited: Sections 4980.40, 4980.60, and 4990.20 Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.42 through 4980.45, 4980.48, 4980.54 and 4996.22, and 4999.76, Business and Professions Code.

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California on or after January 1, 1991 must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state in which the supervision occurred and possessed a current license which was not under suspension or probation. The supervisor was licensed or certified by that state, for at least two (2) years prior to acting as supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry as specified in Section 4980.40(f) of the code, professional clinical counselor, or a marriage and family therapist or similarly titled marriage and family practitioner.

In a state which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42-4980.45 and 4980.90, Business and Professions Code.

§1833.3. REEXAMINATION (REPEALED)

§1845. UNPROFESSIONAL CONDUCT

As used in Section 4982 of the code, unprofessional conduct includes, but is not limited to:

(a) Performing or holding himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(b) Permitting a trainee or intern under his or her supervision or control to perform or permitting the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience.

(c) Failing to comply with the child abuse reporting requirements of Penal Code Section 11166.

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

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.60 and 4982, Business and Professions Code; and Section 11166, Penal Code, and Section 15630, Welfare and Institutions Code.

§1846. MARRIAGE AND FAMILY THERAPIST INTERNS

The registration of each intern shall expire at midnight one year from the last day of the month in which the registration was issued.

Note: Authority cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.03(b), 4980.44 and 4984.7(e), Business and Professions Code.

ARTICLE 4.5. PROFESSIONAL CORPORATIONS

§1850.6. NAME OF CORPORATION

The wording or abbreviation denoting corporate existence shall be limited to one of the following: "Professional Corporation," "Prof. Corp.," "Corporation," "Corp.," "Incorporated," or "Inc."

Note: Authority cited: Sections 4980.60 and ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 4987.8 and 4998.3, Business and Professions Code.

§1850.7. SHARES: OWNERSHIP AND TRANSFER

(a) The shares of a marriage and family therapist corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(b) The shares of a licensed clinical social worker corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.

(c) Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

(d) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again ceases to become a disqualified person.

(e) The restrictions of subdivisions (a) or (b) where appropriate and, if appropriate, subdivision (c) of this section shall be set forth in the corporation's by-laws or articles of incorporation.

(f) The income of the corporation attributable to professional, licensed services rendered while a shareholder is a

disqualified person shall not in any manner accrue to the benefit of such shareholder or his or her shares.

(g) The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) or (b) where appropriate, and where applicable, the restriction of subdivision (c), or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60 and ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 4987.9, 4988, 4998.4 and 4998.5, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854. EQUIVALENT DEGREES

Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:

(a) Western Association of Schools and Colleges.

(b) Northwest Association of Secondary and Higher Schools.

(c) Middle States Association of Colleges and Secondary Schools.

(d) New England Association of Colleges and Secondary Schools.

(e) North Central Association of Colleges and Secondary Schools.

(f) Southern Association of Colleges and Schools.

(g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4989.20(a)(1), Business and Professions Code.

§1855. EQUIVALENT EXPERIENCE IN PUPIL PERSONNEL SERVICES (REPEALED)

§1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST

(a) No more than one year of experience will be granted for any 12 month period.

(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) 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.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4982.20, Business and Professions Code.

§1857. EXPERIENCE EQUIVALENT TO ONE YEAR OF SUPERVISED PROFESSIONAL EXPERIENCE (REPEALED)

§1858. UNPROFESSIONAL CONDUCT

The Board may suspend or revoke the license of a licensee who:

(a) Impersonates a licensee or allows another person to use his or her license.

(b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.

Note: Authority cited: Section 4989.18, Business and Professions Code. Reference: Sections 4989.18 and 4989.54, Business and Professions Code.

ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS

§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised ~~08/07~~ 3/10, form #1800 37A-522), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section 1874.

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

(3) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates.

(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54, and 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:

(i) Familiarity with supervision literature through reading assignments specified by course instructors;

- (ii) Facilitation of therapist-client and supervisor-therapist relationships;
- (iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;
- (iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;
- (v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and
- (vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

(6) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

(7) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.

(8) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised ~~08/07~~ 3/10, form #1800 37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.

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

(10) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

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

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).

and 4996.23, Business and Professions Code.

§1870.1. SUPERVISORY PLAN

(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised ~~12/05~~ 3/10), hereby incorporated by reference.

(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.

Note: Authority cited: Section ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 4996.18 and ~~4996.24~~ 4996.23, Business and Professions Code.

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

For purposes of Sections ~~4996.20(b) and 4996.21(a)~~ 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections ~~4996.20 and 4996.24~~ 4996.23, Business and Professions Code.

§1877. EXAMINATIONS

The written examinations shall consist of the following:

(a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and

(b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.

Note: Authority cited: Section ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Section 4992.1, Business and Professions Code.

§1880. UNLICENSED ASSISTANTS

An unlicensed person employed under Section 4996.15 of the Code to perform limited social work functions shall inform each patient or client prior to performing any such functions that he or she is not a licensed clinical social worker and is under the supervision of a licensed clinical social worker, marriage and family therapist, licensed professional clinical counselor, or a licensed psychologist or a licensed psychiatrist, whichever is applicable.

Note: Authority cited: Section ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Section 4996.15, Business and Professions Code.

§1881. UNPROFESSIONAL CONDUCT

The board may suspend or revoke the license of a licensee or may refuse to issue a license to a person who:

(a) Misrepresents the type or status of license held by such person or otherwise misrepresents or permits the misrepresentation of his or her professional qualifications or affiliations.

(b) Impersonates a licensee or who allows another person to use his or her license.

(c) Aids or abets an unlicensed person to engage in conduct requiring a license.

(d) Intentionally or recklessly causes physical or emotional harm to a client.

(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.

(f) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of a Licensed Clinical Social Worker.

(g) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(h) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.

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

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

(k) Advertises in a manner which is false or misleading.

(l) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. The licensee shall limit access to such test or device to persons with professional interest who are expected to safeguard their use.

(m) Commits an act or omission which falls sufficiently below that standard of conduct of the profession as to constitute an act of gross negligence.

(n) Pays, accepts or solicits any consideration, compensation or remuneration for the referral of professional clients. All consideration, compensation or remuneration must be in relation to professional counseling services actually provided by the licensee. Nothing in this section shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for such collaboration except when disclosure of such fee is made in compliance with subparagraph (j) above.

(o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.

(p) Fails to comply with the elder and dependent adult abuse reporting requirements of Welfare and Institution Code Section 15630.

ARTICLE 7. CITATIONS AND FINES

§1886. AUTHORITY TO ISSUE CITATIONS AND FINES

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed marriage and family therapist (MFT), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), licensed professional clinical counselor (LPCC), MFT Intern, ~~or Associate Clinical Social Worker~~, or professional clinical counselor intern of the statutes and regulations enforced by the Board of Behavioral Sciences.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.10. CITATIONS FOR UNLICENSED PRACTICE

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, as defined in Section 302(d) of the Code, who are performing or who have performed services for which a license is required under the statutes and regulations enforced by the Board of Behavioral Sciences. Each citation issued for unlicensed activity shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with section 1886.40 of these regulations. The provisions of sections 1886-1886.80 shall apply to the issuance of citations for unlicensed activity under this section. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14 4990.20, Business and Professions Code. Reference: Sections 125.9, 125.95, 148, 149 and 302(d), Business and Professions Code.

§1886.20. CITATION FORMAT

A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of each violation, including a reference to the statute(s) or regulation(s) alleged to have been violated. The citation shall inform the cited person of the right to contest the citation. The citation shall be served upon the cited person personally or by certified mail in accordance with the provisions of Section 11505 (c) of the Government Code.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.30. CITATION FACTORS

In assessing an administrative fine or issuing an order of abatement, the executive officer of the board shall give due consideration to the following factors:

- (a) The gravity of the violation.
- (b) The good or bad faith exhibited by the cited person.
- (c) The history of previous violations of the same or similar nature.
- (d) Evidence that the violation was or was not willful.

(e) The extent to which the cited person has cooperated with the board's investigation.

(f) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation.

(g) Any other factors as justice may require.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.40. AMOUNT OF FINES

(a) For purposes of this section, a "citable offense" is defined as any violation of the statutes and regulations enforced by the Board of Behavioral Sciences, including Chapters 13, ~~and 13.5,~~ 14, ~~and 16~~ of Division Two of the Business and Professions Code and Title 16, Division 18, California Code of Regulations.

(b) The executive officer of the board may assess fines for citable offenses which shall not exceed two thousand five hundred dollars (\$2,500) for each investigation except as otherwise provided in this section. The executive officer shall not impose any duplicate fines for the same violation.

(c) The executive officer of the board may assess fines for citable offenses which shall not exceed five thousand (\$5,000) for each investigation if the violation or count includes one or more of the following circumstances:

(1) The cited person has a history of two or more prior citations for similar violations, except for citations withdrawn or dismissed after appeal.

(2) The citation involves multiple violations that demonstrate a willful disregard of the statutes or regulations.

(3) The citation is for a violation or violations involving a minor, elder or dependent adult, or a person with a physical or mental disability as defined in Section 12926 of the Government Code.

(4) The citation involves unlicensed practice.

(5) The citation involves an unlawful or unauthorized breach of confidentiality.

(6) The citation is for failure to submit fingerprints to the Department of Justice as required by the Board.

(d) The executive officer of the board may assess fines which shall not exceed five thousand dollars (\$5,000) for each violation or count if the violation or count involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.

Note: Authority cited: Sections 125.9, 148, 149, 4980.60, and ~~4990.14~~ 4990.20, Business and Professions Code. Reference: Sections 123, 125, 125.9, 136, 141, 148, 149, 480, 651, 654.2, 703, 728, 4980, 4980.02, 4980.30, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4982, 4982.25, 4984, 4987.7, 4987.8, 4988, 4988.1, 4989.10, 4989.12, 4989.14, 4989.20, 4989.22, 4989.24, 4989.26, 4989.28, 4989.34, 4992.3, 4992.36, 4996, 4996.5, 4996.7, 4996.8, 4996.9, 4996.16, 4996.18, 4996.19, 4996.22 4996.20, 4996.23, 4998.2, 4998.3, 4998.4, 4999.20, 4999.24, 4999.30, 4999.32, 4999.33, 4999.42, 4999.44, 4999.45, 4999.46, 4999.54, 4999.58, 4999.60, and 4999.76. Business and Professions Code; and Section 15630, Welfare and Institutions Code.

§1886.50. EXCEPTIONS

A citation shall not be issued in any of the following circumstances:

(a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the cited person are necessary in order to ensure consumer protection.

(b) The cited person failed to comply with any requirement of any previous citation, including any order of

abatement or fine.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.60. COMPLIANCE WITH CITATION/ORDER OF ABATEMENT

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the citation is contested and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against the cited person.

(d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990.14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code; Section 11505(c), Government Code.

§1886.70. CONTESTED CITATIONS AND REQUEST FOR A HEARING OR INFORMAL CITATION CONFERENCE

(a) If a cited person wishes to contest the citation, assessment of the administrative fine, or order of abatement, the cited person shall, within thirty (30) days after service of the citation, file in writing a request for an administrative hearing to the executive officer regarding the acts charged in the citation, as provided for in subdivision (b)(4) of Section 125.9 of the Code.

(b) In addition to or instead of requesting an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, the cited person may, within 30 days after service of the citation, contest the citation by submitting a written request for an informal citation conference to the executive officer or his/her designee.

(c) Upon receipt of a written request for an informal citation conference, the executive officer or his/her designee shall, within 60 days, hold an informal citation conference with the cited person. The cited person may be accompanied and represented at the informal citation conference by an attorney or other authorized representative.

(d) If an informal citation conference is held, the request for an administrative hearing shall be deemed to be withdrawn and the executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued, at the conclusion of the informal citation conference. If affirmed or modified, the citation originally issued shall be considered withdrawn and an affirmed or modified citation, including reasons for the decision, shall be issued. The affirmed or modified citation shall be mailed to the cited person and his/her counsel, if any, within 10 days from the date of the informal citation conference.

(e) If a cited person wishes to contest an affirmed or modified citation, the cited person shall, within 30 days after service of the citation, contest the affirmed or modified citation by submitting a written request for an administrative hearing, as provided for in subdivision (b)(4) of Section 125.9 of the Code, to the executive

officer or his or her designee. An informal citation conference shall not be held on affirmed or modified citations.

NOTE: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990-14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§1886.80. DISCONNECTION OF TELEPHONE SERVICE

Nothing in this section shall preclude the board from using the provisions of Section 149 of the Code in addition to any citation issued to an unlicensed person.

Note: Authority cited: Sections 125.9, 148, 149 and 4980.60, 4987, 4990-14 4990.20, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPISTS, AND LICENSED CLINICAL SOCIAL WORKERS, LICENSED EDUCATIONAL PSYCHOLOGISTS, AND LICENSED PROFESSIONAL CLINICAL COUNSELORS

§1887. DEFINITIONS

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.

(d) An "initial renewal period" means the period from issuance of an initial license to the license's first expiration date.

~~(d)~~ (e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

Note: Authority Cited: Sections 4980.60, 4989.34, 4999.76 and 4990.20 4990.14, Business and Professions Code. Reference: Sections 4980.54 and , 4989.34, 4996.22, and 4999.76 Business and Professions Code.

§1887.1. LICENSE RENEWAL REQUIREMENTS

(a) Except as provided in Section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in Sections 4980.54, ~~and 4996.22,~~ 4989.34, and 4999.76 of the Code.

(b) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b), ~~and 4992.3(b),~~ 4989.54 (b) and 4999.90(b) of the Code.

(c) Licensed educational psychologists shall be subject to the license renewal requirements of this section as specified:

(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed eighteen (18) hours of continuing education.

(2) On and after January 1, 2013 licensees shall meet all of the requirements of subdivisions (a) and (b).

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.14~~ ~~4990.20~~, and ~~4999.76~~ Business and Professions Code. Reference: Sections 4980.54, ~~4989.34~~, and ~~4996.22~~, and ~~4999.90~~ Business and Professions Code.

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

~~(a) An initial~~ A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.

(b) A licensed educational psychologist that renews his or her license beginning January 1, 2012 and through December 31, 2012 shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal.

~~(b)~~ (c) A licensee is exempt from the continuing education requirement if ~~their~~ his or her license is inactive pursuant to Sections 4984.8, ~~4989.44~~, and ~~4997~~ or ~~4999.112~~ of the Code.

(c) A licensee may submit a written request for exception ~~from, or reasonable accommodation for,~~ the continuing education requirement, on a form entitled "Request for Continuing Education Exception – Licensee Application," Form No. 1800 37A-635 (Rev 3/10) for any of the reasons listed below. ~~The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:~~

(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:

~~(4)~~ (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

~~(2)~~ (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

~~(3)~~ (2) The board may grant a reasonable accommodation if, ~~During for at least one year during~~ the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee has is the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with special expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must include: be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 3/10).

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and~~

~~(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.~~

Note: Authority Cited: Sections 4980.54, 4980.60, 4989.34, 4990.14, 4990.20, and 4996.22, and 4999.76 Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54, 4989.34, and 4996.22, 4999.76 Business and Professions Code.

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

(a) ~~A~~ During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education ~~courses~~ coursework as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during a single each renewal period.

(b) ~~Pursuant to Section 29 of the Code, a licensee~~ marriage and family therapist and clinical social worker licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above. Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a marriage and family therapist and clinical social worker licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) ~~Any person renewing his or her license on and after January 1, 2004 shall have completed not less than~~ complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

(e) ~~If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.~~

(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

(h) Provisions of this section shall apply to licensed educational psychologists as follows:

(1) Beginning January 1, 2012 and through December 31, 2012 licensees shall complete at least eighteen (18) hours of continuing education prior to his or her license renewal, in accordance with subdivision (d) through (g).

(2) On and after January 1, 2013, licensees shall meet the requirements of subdivision (a) through (g).

Note: Authority Cited: Sections 4980.60, ~~and 4990.20(a)~~ 4989.34, 4990.20 and 4999.76 Business and Professions Code. Reference: Sections 29, 32, 4980.54, ~~4989.34, and 4996.22,~~ and 4999.76 Business and Professions Code.

§1887.4. CONTINUING EDUCATION COURSE CONTENT

(a) A provider shall ensure that the content of a course shall be relevant to the practice of marriage and family therapy, educational psychology, professional clinical counselor, or clinical social work and meet the requirements set forth in Sections 4980.54, ~~and 4996.22, 4989.34 and 4999.76~~ of the Code. The content of a course shall also be related to direct or indirect patient/client care.

(1) Direct patient/client care courses cover specialty areas of therapy (e.g., theoretical frameworks for clinical practice; intervention techniques with individuals, couples, or groups).

(2) Indirect patient/client care courses cover pragmatic aspects of clinical practice (e.g., legal or ethical issues, consultation, recordkeeping, office management, insurance risks and benefits, managed care issues, research obligations, supervision training).

(b) A provider shall ensure that a course has specific objectives that are measurable.

(c) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

Note: Authority Cited: Sections 4980.60, ~~and 4990.44~~ 4989.34, 4990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, ~~and 4996.22, 4989.34, and 4999.76~~ Business and Professions Code.

§1887.5. HOURS OF CONTINUING EDUCATION CREDIT

(a) One hour of instruction is equal to one hour of continuing education credit.

(b) One academic quarter unit is equal to ten (10) hours of continuing education credit.

(c) One academic semester unit is equal to fifteen (15) hours of continuing education credit.

Note: Authority Cited: Sections 4980.60, ~~and 4990.44~~ 4989.34, 4990.20, and 4999.76, Business and Professions Code. Reference: Sections 4980.54, ~~and 4989.34, 4996.22, and 4999.76~~ Business and Professions Code.

§1887.6. CONTINUING EDUCATION PROVIDERS

A continuing education course shall be taken from:

(a) an accredited or approved postsecondary institution that meets the requirements set forth in Sections 4980.54(f)(1), 4989.34, or 4996.22(d)(1), or 4999.76(d) of the Code; or

(b) a board-approved provider with a valid, current approval as provided in Section 1887.7.

Note: Authority Cited: Sections 4980.60, ~~and 4990.44, 4989.34, 4990.20 and 4999.76~~ Business and Professions Code. Reference: Sections 4980.54, ~~and 4989.34, 4996.22 and 4999.76~~ Business and Professions Code.

§1887.7. BOARD-APPROVED PROVIDERS

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 1800 37A-633, new 5/97 revised 03/10), hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

(d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

(e) When a provider's approval is expired, the provider may not present a course for continuing education credits for licensees of the Board of Behavioral Sciences.

(f) Board-approved provider numbers are non-transferable.

(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.144~~990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, ~~4989.34~~ and 4996.22, and 4999.76 Business and Professions Code.

§1887.8. REVOCATION AND DENIAL OF BOARD-APPROVED PROVIDER STATUS

(a) The board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:

- (1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a board-approved provider;
- (2) a provider, who is a licensee of the board, fails to comply with any provisions of Chapters 13, 13.5 and 14 and 16 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations; or
- (3) a provider makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point. Should the board's designee decide to uphold the revocation or denial, the provider may appeal the decision of the board's designee in writing, within seven (7) days after receipt of the decision of the board's designee, and request a hearing with a continuing education appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The continuing education appeals committee shall contain three board members, one public member and two members representing two of the three license types regulated by the board. The decision of the continuing education appeals committee is final.

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.144~~990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, and ~~4989.34~~, 4996.22, and 4999.76 Business and Professions Code.

§1887.9. COURSE ADVERTISEMENTS

A provider shall ensure that information publicizing a continuing education course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider number, if a board-approved provider;
- (c) the statement "Course meets the qualifications for _____ hours of continuing education credit for MFTs, LPCCs, LEPs and/or LCSWs as required by the California Board of Behavioral Sciences";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant; and
- (e) a clear, concise description of the course content and objectives.

Note: Authority Cited: Sections 4980.60, ~~4989.34~~ and ~~4990.20~~ and 4999.76 Business and Professions Code. Reference: Sections 4980.54, ~~4989.34~~ and 4996.22, and 4999.76 Business and Professions Code.

§1887.10. COURSE INSTRUCTOR QUALIFICATIONS

(a) A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

- (1) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this board or any other health care regulatory agency;
- (2) a master's or higher degree from an educational institution in an area related to the subject matter of the course;

(3) training, certification, or experience in teaching subject matter related to the subject matter of the course; or

(4) at least two years' experience in an area related to the subject matter of the course.

(b) During the period of time that any instructor has a healing arts license that is restricted pursuant to a disciplinary action in California or in any other state or territory, that instructor shall notify all approved continuing education providers for whom he or she provides instruction of such discipline before instruction begins or immediately upon notice of the decision, whichever occurs first.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.144990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4982.15, 4989.34 and 4996.22, and 4999.76 Business and Professions Code.

§1887.11. RECORDS OF COURSE COMPLETION

Upon completion of a course, a provider shall issue a record of course completion to a licensee (e.g., letters of verification of attendance, certificates, gradeslips, transcripts) containing the following information:

(a) name of licensee and license number or other identification number;

(b) course title;

(c) provider name and address;

(d) provider number, if a board-approved provider;

(e) date of course;

(f) number of hours of continuing education credit; and

(g) signature of course instructor, provider, or provider designee.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.144990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4989.34, and 4996.22, and 4999.76 Business and Professions Code.

§1887.12. LICENSEE AND PROVIDER COURSE RECORDS

(a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.

(b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:

(1) syllabi for all courses;

(2) the time and location of all courses;

(3) course advertisements;

(4) course instructors' vitae or resumes;

(5) attendance rosters with the names and license numbers of licensees who attended the courses;

(6) sign-in sheets; and

(7) records of course completion issued to licensees who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4990.144990.20 and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4989.34, and 4996.22, and 4999.76 Business and Professions Code.

1887.13 RENEWAL OF EXPIRED APPROVAL

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

(a) Filing an application for renewal on a form prescribed by the board.

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority Cited: Sections 4980.60 and 4980.20, 4989.34, and 4999.76 Business and Professions Code. Reference: Sections 4980.54, 4989.34, and 4996.22, and 4999.76 Business and Professions Code.

1887.14 TIME LIMIT FOR RENEWAL OF APPROVAL AFTER EXPIRATION; NEW APPROVAL

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

- (a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation; and
- (b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60, 4989.34 and 4980.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4989.34 and 4996.22, and 4999.76 Business and Professions Code.

ARTICLE 9. DISCIPLINARY GUIDELINES

§1888. DISCIPLINARY GUIDELINES

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Behavioral Sciences shall consider the disciplinary guidelines entitled "Board of Behavioral Sciences Disciplinary Guidelines" [Rev. ~~November 2008~~ March 2010] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its discretion determines that the facts of the particular case warrant such a deviation – for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 4980.60, 4987, and 4980.20 4990.14, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 4982, 4986.70, and 4992.3, and 4990.90, Business and Professions Code; and Sections 11400.20, and 11425.50(e), Government Code.

ARTICLE 10. GROUP ADVERTISING AND REFERRAL SERVICES FOR MARRIAGE AND FAMILY THERAPIST

§1889. DEFINITIONS

An "MFT referral service" means a group advertising and referral service for marriage and family therapists as provided for in Section 650.4 of the Code.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.1. REGISTRATION

(a) The board shall issue a registration for an MFT referral service to an applicant who submits:

(1) a completed MFT Referral Service Registration Application (form no. 37A-309, new 8/97), hereby incorporated by reference;

(2) a copy of the service's standard form contract regulating its relationship with member marriage and family therapists, demonstrating compliance with Section 650.4 of the Code and this article; and

(3) a copy of the service's advertising, demonstrating compliance with Section 650.4 of the Code and this article.

(b) An MFT referral service registration issued under this section shall remain valid until suspended or revoked, or until the MFT referral service notifies the board in writing that the service has discontinued referrals to any marriage and family therapists and no longer desires registration, provided there are no pending disciplinary actions on the MFT referral service's registration.

(c) It is unlawful for any MFT referral service to make referrals to participating or member marriage and family therapists unless at the time of so doing such service holds a registration that is valid and in good standing.

(d) An MFT referral service registration is non-transferable.

(e) An MFT referral service shall notify the board within thirty (30) days concerning any changes or modifications to the service's standard form contract regulating its relationship with member marriage and family therapists, providing a copy of the new contract to the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.2. REVOCATION OR DENIAL OF REGISTRATION

(a) The board may revoke its registration of an MFT referral service or deny an MFT referral service application for good cause. For the purposes of this subsection, "responsible party" includes any owner, co-owner, or member on the board of directors of an MFT referral service. Good cause includes, but is not limited to, the following:

(1) the responsible party of an MFT referral service is convicted of a felony or misdemeanor offense substantially related to the activities of an MFT referral service;

(2) the responsible party of an MFT referral service, who is a licensee of the board, fails to comply with any provisions of Chapters 13 and 14 of the Business and Professions Code or Title 16, Division 18 of the California Code of Regulations;

(3) an MFT referral service fails to comply with any provisions of Sections 650, 650.4, or 651 of the Code or these regulations; or

(4) an MFT referral service makes a material misrepresentation of fact in information submitted to the board.

(b) After a thorough case review, should the board decide to revoke or deny its registration of an MFT referral service, it shall give the MFT referral service written notice setting forth its reasons for revocation or denial. The MFT referral service may appeal the revocation or denial in writing, within fifteen (15) days after service of the revocation or denial notice, and request a hearing with the board's designee. The revocation is stayed at this point.

Should the board's designee decide to uphold the revocation or denial, the MFT referral service may appeal the decision of the board's designee in writing, within fifteen (15) days after service of the decision of the board's designee, and request a hearing with a referral services appeals committee appointed by the board chairperson. The hearing will take place at the next regularly scheduled board meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the board's designee whether to stay the revocation further.

The referral services appeals committee shall contain three board members, one of whom shall be a public member, and two of whom shall be members representing two of the three license types regulated by the board. The decision of the referral services appeals committee is final.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

§1889.3. ADVERTISING AND REFERRAL GUIDELINES

(a) An MFT referral service shall advertise and make referrals in accordance with Sections 650.4 and 651 of the Code and Section 1811 of these regulations.

(b) An MFT referral service shall only make referrals to marriage and family therapists with current, valid licenses. Referrals made to marriage and family therapists on probation shall be made in accordance with the terms of probation set by the board.

Note: Authority Cited: Sections 650.4 and 4980.60, Business and Professions Code. Reference: Section 650.4, Business and Professions Code.

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**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 2-98)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME

CONTACT PERSON

TELEPHONE NUMBER

Board of Behavioral Sciences

Tracy Rhine

916-574-7847

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400

NOTICE FILE NUMBER

Licensed Professional Clinical Counselors & LEP CE

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

 a. Impacts businesses and/or employees e. Imposes reporting requirements b. Impacts small businesses f. Imposes prescriptive instead of performance standards c. Impacts jobs or occupations g. Impacts individuals d. Impacts California competitiveness h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.)h. (cont.) See Attached

(If any box items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: See Attach. Describe the types of businesses (Include nonprofits): See Attach.Enter the number or percentage of total businesses impacted that are small businesses: See Attach.3. Enter the number of businesses that will be created: See Attach. eliminated: See Attach.Explain: See Attach.4. Indicate the geographic extent of impacts: Statewide Local or regional (list areas) _____5. Enter the number of jobs created: 2,038 or eliminated: 0 Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

 Yes NoIf yes, explain briefly: N/A**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ See Attacheda. Initial cost for a small business: \$ See Attach. Annual ongoing cost: \$ See Attach. Years: N/Ab. Initial cost for a typical business: \$ See Attach. Annual ongoing cost: \$ See Attach. Years: N/Ac. Initial cost for an individual: \$ See Attach. Annual ongoing cost: \$ See Attach. Years: See attachedd. Describe other economic costs that may occur: N/A

ECONOMIC AND FISCAL IMPACT STATEMENT (STD. 399, Rev. 2-98)

- 2. If multiple industries are impacted, enter the share of total costs for each industry: See Attachment _____
- 3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *(Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.):* \$ N/A
- 4. Will this regulation directly impact housing costs? Yes No
if yes, enter the annual dollar cost per housing unit: \$ _____ and the number of units:
- 5. Are there comparable Federal Regulations? Yes No
Explain the need for State regulation given the existence or absence of Federal regulations:

Enter any additional costs to businesses and/or individuals that may be due to State – Federal differences: \$ ____0____

C. ESTIMATED BENEFITS *(Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

- 1. Briefly summarize the benefits that may result from this regulation and who will benefit:
See Attach.
- 2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority
Explain:
- 3. What are the total statewide benefits from this regulation over its lifetime? \$ **See Attach.**

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

- 1. List alternatives considered and describe them below. If no alternatives were considered, explain why not:
See Attached
- 2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:
Regulation: See Attached Benefit: \$ See Attached Cost: \$ See Attached
Alternative 1: See Attached Benefit: \$ See Attached Cost: \$ See Attached
Alternative 2: See Attached Benefit: \$ See Attached Cost: \$ See Attached
Alternative 3: _____ Benefit: \$ _____ Cost: \$ _____
- 3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: N/A
- 4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? Yes No
Explain: **See Attach.**

ECONOMIC AND FISCAL IMPACT STATEMENT (STD. 399, Rev. 2-98)

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.)
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

- 1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? [X] Yes [] No
2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
Alternative 1: See Attach
Alternative 2:
3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
Regulation: \$ See Attach Cost-effectiveness ratio:
Alternative 1: \$ Cost-effectiveness ratio:
Alternative 2: \$ Cost-effectiveness ratio:

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

- 1. Additional expenditures of approximately \$ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
a. is provided in (item , Budget Act of) or (Chapter Statutes of .
b. will be requested in the (fiscal year) Governor's Budget for appropriation in Budget Act of .
2. Additional expenditures of approximately \$ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
a. implements the Federal mandate contained in .
b. implements the court mandate set forth by the court in the case of vs. .
c. implements a mandate of the people of this State expressed in their approval of Proposition No. at the election;
d. is issued only in response to a specific request from the , which is/are the only local entities affected;
e. will be fully financed from the authorized by § of the Code;
f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.
3. Savings of approximately \$ annually.
4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
[X] 5. No fiscal impact exist because the regulation does not affect any local entity or program.
6 Other:

ECONOMIC AND FISCAL IMPACT STATEMENT (STD. 399, Rev. 2-98)

B. FISCAL EFFECT ON STATE GOVERNMENT

(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years.)

- 1. Additional expenditures of approximately 0 in the current State Fiscal Year. It is anticipated that State agencies will:
 - a. be able to absorb these additional costs within their existing budgets and resources.
 - b. request an increase in the currently authorized budget level for the See Attached Fiscal Year.
- 2. Savings of approximately _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- Other:

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years.)

- 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or programs.
- 4. Other _____

SIGNATURE	Title
	Executive Officer
AGENCY SECRETARY ¹	Date
APPROVAL/CONCURRENCE	
DEPARTMENT OF FINANCE ²	Date
APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER

¹ The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

² Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.

Board of Behavioral Sciences

Licensed Professional Clinical Counselors and LEP CE Title 16

Amend Sections 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, and 1888 of Division 18 of Title 16 of the California Code of Regulations. Add Sections 1810.1, 1810.2, 1816.8 1820, 1820.5, 1821, and 1822 to Division 18 of Title 16 of the California Code of Regulations.

Economic Impact Statement

Because this regulatory proposal affects several different applicant and licensee populations, the responses to each item are separated in to multiple parts.

Section A

Questions A1

Business and Professions Code (BPC) Section 4990.20 authorizes the Board of Behavioral Sciences (BBS) to adopt rules and regulations as necessary to administer and enforce the provisions of the Chapters of the Business and Professions Code for which it is responsible. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) of Division 2 of the BPC and mandated the BBS implement the provisions of the new chapter. BPC Section 4999.30 prohibits any person in the State of California from practicing or advertising the performance of professional clinical counseling services without a license issued by the BBS. BPC Section 4999.80 mandates the BBS enforce laws designed to protect the public from incompetent, unethical or unprofessional practitioners, investigate complaints concerning the conduct of any licensed professional clinical counselor, and take disciplinary action against licenses issued as enumerated in rules and regulations of the BBS. This rulemaking proposal establishes numerous fees and references to licensed professional clinical counselors (LPCC) in regulation. These fees and references are necessary to enable the BBS to administer and enforce Chapter 16 of Division 2 of the BPC.

Furthermore, The BBS administers and enforces the provisions of the Educational Psychology Act, Business and Professions Code (BPC) sections 4989.10 and following. SB 1048, Chapter 588, Statutes of 2007 enacted BPC Section 4989.34, which requires licensed educational psychologists (LEPs) to complete 36 hours of continuing education (CE) every two years, which is consistent with similar professions. It also requires LEPs to certify completion of continuing education in or relevant to educational psychology and authorizes the BBS to establish "exceptions" for LEPs from CE requirements. Further, Section 4989.34 authorizes the BBS to establish by regulation a procedure for approving providers of LEP CE courses and to set minimum standards for those CE course providers.

Current law does not specify requirements for BBS-approved CE courses for LEPs, set license renewal requirements relative to CE for LEPs, or establish a procedure for the BBS to grant exceptions to those requirements. Current law also does not create a procedure for the approval of providers of LEP continuing education courses or set minimum standards for those CE course providers. This proposal would establish those requirements and procedures.

This rulemaking also proposes changes to the CE exception process for all licensees, in order to bring this section and the BBS' forms into compliance with both the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). Additionally, this proposal also makes several technical and clarifying changes to existing regulations.

Impact on Businesses and/or Employees:

Licensed Professional Clinical Counselors: "Grand-Parented" Applicants

Existing BBS licensees who meet certain qualifications can qualify for a "grand-parented" LPCC license. Furthermore, some individuals who do not currently hold a license with the BBS can qualify for a "grand-parented" LPCC license if they meet certain requirements.

In the short term, the majority of LPCC licensees will be "grand-parented" licenses, and most will be currently licensed Marriage and Family Therapists (MFT) and Licensed Clinical Social Workers (LCSW). In the 2010/2011 fiscal year, based on the BBS' licensing population as of July 1, 2009, the BBS anticipates receiving 4,564 applications for "grand-parented" LPCC licensure from MFTs, assuming 75% of the licensing population is aware of the opportunity and 20% of this population applies. The BBS anticipates receiving 1,333 applications for "grand-parented" LPCC licensure from LCSWs, assuming 75% of the licensing population is aware of the opportunity and 10% apply. The BBS also expects to receive 1,500 applications for "grand-parented" licensure from individuals meeting the qualifications but not currently holding any license with the BBS. Operating under the BBS' predictions, approximately 7,397 individuals/employees will be impacted by the portion of this regulation relating to "grand-parented" LPCC applicants.

The BBS will require these individuals pay application and renewal fees. Depending on the type of application submitted, the total cost to an individual to obtain the license will differ. Furthermore, per BPC section 4999.54(b)(2), MFTs and LCSWs qualifying for LPCC "grand-parented" licensure may have to take an examination if the BBS and the Office of Professional Examination Services determine divergence between the practice of professional clinical counseling and the practice of marriage and family therapy and/or clinical social work.

Table 1. Cost for MFT/LCSW Obtaining an LPCC “Grand-Parented” License Assuming No Practice Divergence Examination

Applicant License Type	“Grand Parent” App Fee	Practice Divergence Exam Fee	Initial License Fee	Total Fees
MFT/LCSW	\$180	N/A	\$200	\$380

Table 2. Cost for MFT/LCSW Obtaining an LPCC “Grand-Parented” License Assuming Practice Divergence Examination is Necessary

Applicant License Type	“Grand Parent” App Fee	Practice Divergence Exam Fee	Initial License Fee	Minimum Total Fees ¹
MFT/LCSW	\$180	\$100	\$200	\$480

¹Because applicants may incur additional exam charges if multiple attempts are necessary to pass, this is a minimum total fee, presuming successful completion of the examination on the first attempt.

Individuals not currently licensed with the BBS but qualifying for “grand-parented” licensure will have to prove successful passage of two national examinations and a California constructed jurisprudence and ethics examination. One of the national examinations can be either the National Counselor Examination for Licensure and Certification (NCE) or the Certified Rehabilitation Counselor Examination (CRCE). According to the Web sites of the organizations who offer these examinations, the costs for these examinations are \$185 and \$385, respectively. The second national examination must be the National Clinical Mental Health Counselor Examination (NCMH), which costs \$185 according to the California Coalition for Counselor Licensure. The fee proposed for the California constructed jurisprudence and ethics examination is \$100. The BBS expects most applicants (85%) qualifying for licensure in this manner have previously taken the NCE, CRCE, or NCMHC as a previous requirement for licensure as a professional counselor in another state. These applicants will not be forced to re-take these examinations; thus, they will incur no cost for these exams. Tables 3 and 4 below outline the total cost for an applicant who must complete the NCE or CRCE and NCMHC examinations, and Table 5 outlines the cost for an applicant who previously passed these examinations as a condition for licensure in another state.

Table 3. Cost for Non-MFT/LCSW Obtaining an LPCC “Grand-Parented” License (Assuming NCE Exam)

Applicant License Type	“Grand Parent” App Fee	Jurisprudence and Ethics Exam Fee	NCE Exam Fee	NCMH Exam Fee	Initial License Fee	Minimum Total Fees ¹
Unlicensed	\$180	\$100	\$185	\$185	\$200	\$850

¹Because applicants may incur additional exam charges if multiple attempts are necessary to pass, this is a minimum total fee, presuming successful completion of the examinations on the first attempts.

Table 4. Cost for Non-MFT/LCSW Obtaining an LPCC “Grand-Parented” License (Assuming CRCE Exam)

Applicant License Type	“Grand Parent” App Fee	Jurisprudence and Ethics Exam Fee	CRCE Exam Fee	NCMH Exam Fee	Initial License Fee	Minimum Total Fees ¹
Unlicensed	\$180	\$100	\$385	\$185	\$200	\$1050

¹Because applicants may incur additional exam charges if multiple attempts are necessary to pass, this is a minimum total fee, presuming successful completion of the examinations on the first attempts.

Table 5. Cost for Non-MFT/LCSW Obtaining an LPCC “Grand-Parented” License (previously took exams)

Applicant License Type	“Grand Parent” App Fee	Jurisprudence and Ethics Exam Fee	Initial License Fee	Minimum Total Fees ¹
Unlicensed	\$180	\$100	\$200	\$480

¹Because applicants may incur additional exam charges if multiple attempts are necessary to pass, this is a minimum total fee, presuming successful completion of the examination on the first attempt.

In addition to the fees to obtain a license, LPCC “grand-parented” licensees will have to pay an ongoing renewal fee. The proposed regulation sets the biennial license renewal fee for current licensees who qualify for “grand-parented” LPCC licensure at \$175.

The annual renewal fee for individuals qualifying for “grand-parented” licensure but who do not hold a current license with the BBS is \$150. Additionally, these individuals will need to earn 18-hours of continuing education (CE) each year in order to be qualified to renew the license. Based on a review of seven Web sites currently offering CE to MFTs and LCSWs, the average cost for CE is \$5 per unit. In the event a person could not complete the mandatory CE, an exception can be requested.

Because the LPCC license is new, the people earning the license that do not currently hold a mental health license in the State of California will have employment opportunities now available to them in a variety of public and private settings that previously did not exist. The anticipated 1,500 individuals applying for the “grand-parented” LPCC license without possessing an MFT or LCSW license will likely have many new employment opportunities previously unavailable to them prior to implementation of these regulations. According to the Bureau of Labor Statistics, in California, the yearly wages for individuals with education and experience comparable to a “grand-parented” LPCC licensee range from \$45,000 to \$50,000.

Professional Clinical Counselor Interns and Future Licensees

Recent graduates from qualifying degree programs can apply for the professional clinical counselor intern registration. The proposed regulation sets the cost and annual renewal of this registration at \$100. Like the un-licensed “grand-parented” LPCC applicants, intern registrants will have new employment opportunities in a variety of public and private settings because the registration does not currently exist. The BBS expects to receive approximately 538 applications for professional clinical counselor intern status. According to the Bureau of Labor Statistics, in California, the yearly wages for individuals with education and experience comparable to a professional clinical counselor intern range from \$45,000 to \$50,000. Because these registrants are not yet fully licensed as LPCCs, the yearly wages will most likely fall on the lower end of the range.

Upon completion of the equivalent of two years of supervised work experience, professional clinical counselor interns can become an LPCC after passing a jurisprudence and ethics examination and a written examination. Table 6 outlines the total cost to a person who registers as an intern, completes experience requirements, and passes both examinations to earn the LPCC license.

Table 6. Cost to Obtain License for LPCC Intern

Applicant License Type	Initial Registration Fee	Registration Renewal Fee	Exam Eligibility Fee	Jurisprudence and Ethics Exam Fee	Written Exam Fee	Initial License Fee	Minimum Total Fees ¹
LPCC Intern	\$100	\$100	\$180	\$100	\$150	\$200	\$830

¹Because applicants may need additional registered years to meet supervised experience requirements and may incur additional exam charges if multiple attempts are necessary to pass, this is a minimum total fee, presuming timely completion of experience requirements and successful completion of the examinations on the first attempts.

Once licensed, the biennial renewal fee to maintain the LPCC license is \$175. Additionally, these individuals will need to earn 36-hours of continuing education (CE) each two-year renewal period in order to qualify for active license renewal. Based on a review of seven Web

sites currently offering CE to MFTs and LCSWs, the average cost for CE is \$5 per unit. In the event a person could not complete the mandatory CE, an exception can be requested.

LEP CE Requirements

Implementation of CE requirements for LEPs will require LEPs to complete 18 hours of CE in the initial year and 36 hours of CE every two years thereafter. The total number of businesses impacted is roughly estimated to be 902, based on an active LEP population of 1,803, assuming 50% of licensees own a business. This 50% estimate is based on the BBS's experience in attempting to recruit independently practicing LEPs for examination development. The number of employees expected to be impacted are the remaining 902 LEPs.

The types of businesses impacted include small businesses, partnerships or professional corporations. No businesses would be eliminated as a result of implementing LEP CE requirements. If an LEP is for some reason unable to comply with the 18 hours of CE required per year, offered in flexible formats including online, at an average cost of \$5 per unit (based on a review of seven websites offering CE to MFTs and LCSWs from BBS-approved providers), he or she could apply for an exception to CE. It is possible that between 25 and 50 businesses would be created in order to offer CE to the current population of 1,803 LEPs statewide.

CE Exceptions

This proposal would permit LEPs to complete 18 hours of CE (rather than 36) in the first renewal period after implementation, reducing the costs for the initial period. Inactive LEPs would be exempt from the CE requirements.

The number of MFTs, LPCCs, and LCSWs who qualify for an exception may slightly decrease due to clearer requirements and forms required. However, additional licensees may become aware that an exception can be requested, and additional categories now qualify for exception, such as a medical condition (vs. disability) and qualification of disability or medical condition of a domestic partner, thus potentially increasing the number of those who qualify for an exception.

The total number of businesses impacted is expected to be fewer than 100, based on the fact that the BBS currently receives approximately 75 requests for exceptions per year (expected to increase by 20 per year due to adding the LEP CE requirement).

The types of businesses impacted include small businesses, partnerships or professional corporations. No businesses would be created or eliminated.

CE Course Providers

This proposal would require businesses or individuals who are not currently approved by the BBS as a CE provider and wish to provide CE to LEPs to apply to the BBS and pay a fee. The total number of businesses impacted is assumed to be between 25 and 50, based on the number of new businesses that are expected to be created to provide CE to LEPs. No businesses would be eliminated.

Impact on Small Business

Licensed Professional Clinical Counselors: "Grand-Parented" Applicants

According to data the BBS collected in 2006, 59% of MFTs and 28% of LCSWs have a private practice. Give the current population of active licensees as of 12/31/2009, this means approximately 17,936 and 5,023 MFTs and LCSWs, respectively, have private practices. Assuming 85% are small businesses, this means 19,516 of these private practices are small businesses. Only those MFTs and LCSWs who own small businesses and choose to apply for the LPCC license will experience a cost due to the implementation of this new regulation. As previously mentioned, the BBS anticipates receiving approximately 4,564 "grand-parented" licensure applications from MFTs and 1,333 "grand-parented" licensure applications from LCSWs. Those who choose to obtain the LPCC license may experience an increase in their client-base as a result of an expansion of their scope of practice.

The BBS anticipates receiving 1,500 licensure applications from individuals currently not licensed with the BBS. Upon receiving the license, approximately 40% of the applicant pool will open a private-practice, and 85% of those private practices are likely to be small business. Following these assumptions, 510 small businesses are created as a direct consequence of this regulation because these individuals were previously not licensed to practice.

Professional Clinical Counselor Interns and Future Licensees

Professional clinical counselor interns are unlicensed and under the law cannot open their own private practice, but interns can work as employees in the private practices of other licensees. Assuming 20% of interns work as employees in a licensee's private practice, this means 102 of the interns will work as employees in a private practice, and approximately 85% of those private practices are small businesses. At roughly one intern per private practice, that is approximately 85 interns working as employees in a small business.

LEP CE Requirements

The total number of businesses impacted is roughly estimated to be 902, based on an active LEP population of 1,803. Of the 50% of LEPs who are estimated to have their own business, 85% of those are assumed to be small businesses. This is based on the fact that one of the requirements to become a LEP is experience as a school psychologist. Most LEPs remain employed in this capacity after licensure, and typically use the LEP as a second job in a small independent private practice.

CE Exceptions

Impact is similar to that on businesses and/or employees.

CE Course Providers

33% of all CE providers are assumed to be small businesses. There are currently 2,412 approved CE providers, of which 791 indicated they are either individuals or partnerships.

Impacts Jobs or Occupations

Licensed Professional Clinical Counselors: "Grand-Parented" Applicants

Attachment A to Std. 399

See above for businesses/employees.

Professional Clinical Counselor Interns and Future Licensees

See above for businesses/employees.

LEP CE Requirements

See above for businesses/employees.

CE Exceptions

See above for businesses/employees.

CE Course Providers

This proposal is expected to increase the number of CE provider businesses. It would also increase the amount of CE offered by existing providers. These situations would lead to providing jobs for persons interested in teaching LEP CE courses.

Imposes reporting requirements

LPCCs and LEPs will be required to maintain CE certificates documenting completion of mandatory CE units.

LEP CE Providers must maintain records of course completion for at least four years which may be requested by the BBS to ensure provider compliance, consistent with requirements for providers of CE to MFTs, LCSWs and LPCCs.

Impacts individuals

See above for businesses/employees.

Question A2

Licensed Professional Clinical Counselors: "Grand-Parented" Applicants AND Professional Clinical Counselor Interns and Future Licensees

Based on approximations previously stated relating to the number of licensees who own their own private practice, approximately 22,959 businesses currently owned and operated by MFTs and LCSWs in private practice will be impacted. These individuals would be choosing to apply for "grand-parented" licensure status as LPCCs and would face no requirement to do so. Based upon BBS staff conversations with the professional associations representing these mental health professionals, the motive for applying for the LPCC "grand-parented" license would be a potential increase in client-base and advantage in advertising over those who only hold one mental health license.

Some licensed individuals also own and operate non-profit organizations that offer mental health services. Presuming 5% of current licensees eligible for LPCC "grand-parenting" own non-profit organizations, this means 2,417 additional businesses will be impacted in a similar manner to private practices.

Finally, presuming 85% of private practices are small business, the proposed regulations would impact 19,516 small businesses.

LEP CE Requirements

The total number of businesses impacted is roughly estimated to be 902, based on an active LEP population of 1,803. Of the 50% of LEPs who are estimated to have their own business, 85% of those are assumed to be small businesses. This is based on the fact that one of the requirements to become a LEP is experience as a school psychologist. Most LEPs remain employed in this capacity after licensure, and typically use the LEP as a second job in a small independent private practice.

CE Exceptions

The total number of businesses impacted is expected to be fewer than 100, based on the fact that the BBS currently receives approximately 75 requests for exceptions per year (expected to increase by 20 per year due to adding the LEP CE requirement). 50% of these businesses are expected to be small businesses.

The types of businesses impacted include small businesses, partnerships or professional corporations. No businesses would be created or eliminated.

CE Course Providers

There are currently 2,412 approved CE providers, of which 791 indicated they are either individuals or partnerships. 33% of all CE providers are assumed to be small businesses, meaning 796 CE providers are small businesses.

Question A3

Licensed Professional Clinical Counselors: "Grand-Parented" Applicants AND Professional Clinical Counselor Interns and Future Licensees

New business growth will come nearly exclusively from the anticipated 1,500 LPCC "grand-parented" licensees who do not currently hold a license with the BBS. Upon receiving the license, approximately 40% of the applicant pool will open a private-practice, and 85% of those private practices are likely to be small business. Following these assumptions, 510 small businesses will be created as a direct consequence of this regulation because these individuals were previously not licensed to practice independently. Furthermore, if 5% of newly licensed LPCCs open a non-profit organization to provide mental health services, this creates an additional 75 businesses.

Because the implementation of a new license type does not inhibit those already holding or on a path to a different mental health license, this proposed regulation will not eliminate any businesses.

LEP CE Requirements AND CE Course Providers

It is possible that between 25 and 50 businesses would be created in order to offer CE to the current population of 1,803 LEPs statewide.

CE Exceptions

No businesses would be created or eliminated.

Question A5

Licensed Professional Clinical Counselors: “Grand-Parented” Applicants AND Professional Clinical Counselor Interns and Future Licensees

Approximately 2,038 new jobs will be created as a result of previously unlicensed individuals earning a license as an LPCC or registering as a professional clinical counselor intern. Holding a license or registration will enable these individuals to qualify for jobs previously unavailable to them.

No jobs will be eliminated as a result of this proposed regulation. The jobs created will be exclusively related to the provision of mental health services.

LEP CE Requirements AND CE Exceptions

No new businesses will be created.

CE Course Providers

The total number of businesses impacted is assumed to be between 25 and 50, based on the number of new businesses that are expected to be created to provide CE to LEPs. No businesses would be eliminated.

Section B

Question B1

Licensed Professional Clinical Counselors: “Grand-Parented” Applicants AND Professional Clinical Counselor Interns and Future Licensees

Because different licensure paths will be available with different associated costs, potential costs are displayed in multiple tables below. Because uncertainty about the necessity of a practice divergence examination for MFT and LCSW “grand-parented” license applications still exists, the costs below presume the examination will be required. If the BBS determines the examination is not required, the initial cost figures in Table 7 will decrease by \$100.

The costs for individuals who meet “grand-parenting” requirements but are not currently licensed with the BBS will fluctuate depending on the type of national licensure examination they complete.

Table 10 displays total cost over the lifetime of the regulation.

Table 7. Initial and Ongoing Cost for MFT/LCSW Obtaining an LPCC “Grand-Parented” License Assuming Practice Divergence Examination is Necessary

a. Initial costs for a small business	\$480	Annual ongoing costs	\$87.50	Years	Ongoing
b. Initial costs for a typical	\$480	Annual ongoing costs	\$87.50	Years	Ongoing

Attachment A to Std. 399

business					
c. Initial costs for an individual	\$480	Annual ongoing costs	\$87.50	Years	Ongoing
d. Other economic costs that may occur:					

Table 8. Initial and Ongoing Cost for Non-MFT/LCSW Obtaining an LPCC “Grand-Parented” License (Assuming NCE Exam)

a. Initial costs for a small business	\$850	Annual ongoing costs	\$150	Years	Ongoing
b. Initial costs for a typical business	\$850	Annual ongoing costs	\$150	Years	Ongoing
c. Initial costs for an individual	\$850	Annual ongoing costs	\$150	Years	Ongoing
d. Other economic costs that may occur:	18 hours of CE per year may increase the licensee’s workload by up to 18 hours per year (many already take CE courses). There may also be very minor costs to the LPCC associated with maintaining records of course completion for two years.				

Table 9. Initial and Ongoing Cost for Non-MFT/LCSW Obtaining an LPCC “Grand-Parented” License (Assuming CRCE Exam)

a. Initial costs for a small business	\$1050	Annual ongoing costs	\$150	Years	Ongoing
b. Initial costs for a typical business	\$1050	Annual ongoing costs	\$150	Years	Ongoing
c. Initial costs for an individual	\$1050	Annual ongoing costs	\$150	Years	Ongoing
d. Other economic costs that may occur:	18 hours of CE per year may increase the licensee’s workload by up to 18 hours per year (many already take CE courses). There may also be very minor costs to the LPCC associated with maintaining records of course completion for two years.				

Table 10. Initial and Ongoing Cost to Obtain License for LPCC Intern

a. Initial costs for a small business	\$830	Annual ongoing costs	\$87.50	Years	Ongoing
b. Initial costs for a typical business	\$830	Annual ongoing costs	\$87.50	Years	Ongoing
c. Initial costs for an individual	\$830	Annual ongoing costs	\$87.50	Years	Ongoing
d. Other economic costs that may occur:	18 hours of CE per year may increase the licensee’s workload by up to 18 hours per year (many already take CE courses). There may also be very minor costs to the LPCC associated with maintaining records of course completion for two years.				

LEP CE Requirements

CE costs an average of \$5 per unit. LEPs will be required to complete an average of 18 units per year for an average cost of \$90 per person. This cost will apply whether the LEP is an individual, business or small business.

Table 11. Initial and Ongoing Cost of LEP CEs

a. Initial costs for a small business	\$90	Annual ongoing costs	\$90	Years	Ongoing
b. Initial costs for a typical business	\$90	Annual ongoing costs	\$90	Years	Ongoing
c. Initial costs for an individual	\$90	Annual ongoing costs	\$90	Years	Ongoing
d. Other economic costs that may occur:	18 hours of CE per year may increase the licensee’s workload by up to 18 hours per year (many already take CE courses). There may also be very minor costs to the LEP associated with maintaining records of course completion for two years.				

CE Exceptions

LEPs who request an exception related to a disability or medical condition will incur costs for a physician or psychologist visit and related form completion, estimated at an average of \$300 (less for those who have health insurance). These costs are currently applicable to a MFT or LCSW who requests an exception.

Table 12. Initial and Ongoing Costs of CE Exceptions

a. Initial costs for a small business	\$300	Annual ongoing costs	\$0	Years	2
b. Initial costs for a typical business	\$300	Annual ongoing costs	\$0	Years	2
c. Initial costs for an individual	\$300	Annual ongoing costs	\$0	Years	2
d. Other economic costs that may occur:	LEPs whose exception requests are approved will see reduced costs for CE completion, saving up to \$180 for a two-year renewal period.				

CE Providers

Those who wish to provide CE to LEPs who are not currently approved by the BBS as a CE provider will need to submit an application and \$200 fee. Approved providers will pay \$200 to renew the approval every two years. The BBS expects 25-50 new CE providers to register with the BBS as a result of the new LEP CE requirement. There are no additional costs to current CE providers for MFTs and LCSWs.

Table 12. Initial and Ongoing Costs to CE Providers

a. Initial costs for a small business	\$200	Annual ongoing costs	\$100	Years	Ongoing
b. Initial costs for a typical business	\$200	Annual ongoing costs	\$100	Years	Ongoing
c. Initial costs for an individual	\$200	Annual ongoing costs	\$100	Years	Ongoing
d. Other economic costs that may occur:	Minor costs to newly registered CE providers to comply with the BBS's current regulations related to maintaining records of course completion.				

For the cost-benefit analysis of the regulation, please refer to Attachment B. Total estimated lifetime costs to businesses and individuals is approximately \$71 million dollars.

Question B2

The share of the cost broken down by industry follows:

- LPCCs: \$67,161,428
- LEPs: \$3,924,480
- CE Providers: \$110,000

Question B3

Annual costs a typical business may incur to comply with reporting requirements are as follows:

- LPCCs: \$15
- LEPs: \$15
- CE Providers: None

Section C

Questions C1

The benefits of this proposal follow:

- Increased employment opportunities for individuals who are currently unlicensed and apply for LPCC licensure or intern registration.
- Established disciplinary guidelines for individuals who commit unprofessional conduct as identified in BPC section 4999.90.
- Expanded practice opportunities for currently licensed LCSWs and MFTs.
- Implement the statutory requirement of CE for LEPs, thus furthering protection to consumers by ensuring LEPs stay current on issues important to client care.
- Clarify, provide structure, and ensure the CE exceptions process is aligned with other state and federal laws.
- Eliminate possible misinterpretation of the existing regulations by making changes designed to provide clarity, guidance and consistency for licensees as well as BBS staff.
- Create new business for existing CE providers.
- Create job and business opportunities for those who want to provide CE to LEPs.

Question C2

The benefits are the result of specific statutory requirements. On October 11, 2009 the Governor approved Senate Bill (SB) 788 (Wyland), which created Chapter 16 (Licensed Professional Clinical Counselors) of Division 2 of the BPC and mandated the BBS implement the provisions of the new chapter. Furthermore, SB 1048, Chapter 588, Statutes of 2007 requires LEPs to complete 36 hours of CE requirement every two years (BPC Section 4989.34). This section also permits the BBS to establish exceptions from the CE requirements, and requires the CE to be obtained from either an accredited university or CE provider approved by the BBS. BPC Sections 4980.54 and 4996.22 establish those same requirements for MFTs and LCSWs, respectively.

Question C3

For the cost-benefit analysis of the regulation, please refer to Attachment B. Total estimated lifetime benefits to businesses and individuals is approximately \$6.1 billion dollars.

Section D

Questions D1, D2 and D3

Regulation: This proposal would implement Chapter 16 of Division 2 of the BPC and BPC section 4989.34. With these regulations in place, the BBS would implement a statutory mandate. Furthermore, this proposal would implement CE requirements for LEPs; revise the CE exceptions process, and make technical amendments to the CE provider requirements. With these regulations in place, the BBS would implement a statutory mandate (BPC Section 4989.34), clarify and make consistent the CE exceptions process, and ensure that CE providers are able to provide CE to LEPs.

Alternative – Status Quo

Not amending existing regulations and creating new regulations relating to supervised experience is not an option because BPC Chapter 16 of Division 2 sets forth various mandates for the BBS relating to licensing and complaint investigation for LPCCs. Furthermore, not amending the regulations related to LEP CE is not an option because BPC Section 4989.34 mandates CE for LEPs. Regulations are required in order to implement this program, which is necessary to ensure that LEPs stay current with issues pertinent to client care and the profession. This alternative, however, would result in zero new costs to LEPs.

Not amending the regulations related to CE exceptions would leave the times frames, conditions that qualify as a disability, and the length of the exception granted open to a great deal of interpretation. It would also leave the regulation out of compliance with the California Fair Employment and Housing Act (FEHA) by not including medical conditions as a potential qualifier for an exception. This alternative would not change the costs associated with this regulation.

Not amending the regulations related to CE providers is not an option because the current authority and reference sections do not include the LEP statute. If this section was not amended, there would be no one qualified to provide approved CE to LEPs. This alternative would make it impossible for LEPs to obtain the mandated CE.

Question D4

Because these regulations deal predominantly with the implementation of a new mental health license type, performance standards are not applicable.

For the sections of the regulation relating to LEP CE requirements, CE exceptions, and CE providers performance standards were considered. For example, LEPs who take CE will be provided with the flexibility to take courses from any BBS-approved provider. LEPs must however, take a few particular courses for consistency with similar license types. CE providers have the flexibility to determine course content, except that it must be relevant to LEP practice and direct or indirect client care. For CE exceptions, prescriptive standards are required because the BBS must have evidence of the situation that the licensee feels qualifies them for an exception.

Section E

Question E1, E2, and E3

The total cost to individuals and business over the lifetime of the regulation exceeds 10 million dollars (see Attachment B). This is mainly a byproduct of growth in the number of individuals who will apply for the LPCC license in the future. The cost of pursuing that license is a direct reflection of fees proposed in these regulations. The proposed fees are comparable to current fees for other licenses issued through the BBS and generate sufficient revenue to repay the loan used for startup funds and support the program in future fiscal years.

The year-to-year costs of this regulation are not anticipated to exceed \$10 million dollars. Only when costs are extended over the life of the regulation do costs exceed \$10 million dollars. Furthermore, because obtaining a license will provide expanded business and employment

opportunities for individuals, the benefits (estimated at over \$6.1 billion dollars) far exceed the costs in perpetuity and on a year-to-year basis (see Attachment B).

Because the BBS is mandated to implement Chapter 16 of Division 2 of the BPC, no alternatives exist.

Fiscal Impact Statement

Section B

Question B1

Implementation of the Licensed Professional Clinical Counselor Act (BPC Chapter 16, Division 2) will require ongoing staff time of approximately 8,880 hours (5 personnel years). Per BPC Section 4999.122, startup funds to implement the LPCC program will be derived from a loan from the reserve fund of the BBS. The BBS received an approved budget change proposal for the 2010/2011 fiscal year (BCP 110-03L) to hire the necessary staff to implement the program; thus, no additional increase in the BBS' authorized budget is necessary at this time to implement this program.

Implementation of CE for LEPs will initially require approximately 60 hours of staff time, and 80 hours per year ongoing. All associated costs and workload are minor and absorbable.

The BBS expects to receive approximately 20 requests for CE exceptions from LEPs per year. The BBS currently receives an average of 75 requests for CE exceptions per year from MFTs and LCSWs, which take about 15 minutes each to process. The increase in costs and workload are minor and absorbable.

The BBS expects to receive between 25-50 requests for new CE providers. The BBS currently receives an average of 285 applications per year, which take about 30 minutes each to process. The increase in costs and workload are minor and absorbable.

The total hours associated with this regulation is less than 80 hours per year and is minor and absorbable.

Attachment B. Cost-Benefit Analysis

Cost Summary Table for LPCCs	Initial	Ongoing
Cost for MFT/LCSW Obtaining an LPCC "Grand-Parented" License Assuming Practice Divergence Examination is Necessary	\$480	\$88
Cost for Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming NCE Exam)	\$850	\$150
Cost for Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming CRCE Exam)	\$1,050	\$150
Cost to Obtain License for LPCC Intern*	\$830	\$88

*Initial cost to obtain license for LPCC for interns is distributed over multiple years. For the purposes of this analysis, we are accounting for all of the cost in the first year.

Cost Summary Table for LEPs, CE Exceptions, and CE Providers	Initial	Ongoing
Cost for Complying with LEP CE requirements	\$90	\$90
Cost for Complying with CE Exception Process	\$300	\$0
Costs for CE Providers	\$200	\$200

Benefit Summary Table	Initial	Ongoing
Approximate Increase in Income for Current MFTs and LCSWs*	\$2,250	\$2,250
Approx. Yearly Wage for New Mental Health Counselor**	\$45,000	\$45,000
Approx. Yearly Increase in Business to All CE Providers as a Result of Expanded Market*** *presuming 5% increase in client base	\$162,270	\$162,270

**according to Bureau of Labor Statistics

***calculated as number of current LEPs X \$90 (1803 X 90)

Cost Projection Table	FY 10/11			FY 11/12			FY 12/13			FY 13/14			Perpetuity			Sub - Totals	
	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	Initial+Ongoing	
MFT/LCSW Obtaining an LPCC "Grand-Parented" License Assuming Practice Divergence Examination is Necessary	5,897	\$2,830,560	\$0	0	\$0	\$515,988	0	\$0	\$515,988	0	\$0	\$515,988	0	\$0	\$10,319,750	\$14,698,273	
Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming NCE Exam)	750	\$637,500	\$0	0	\$0	\$112,500	0	\$0	\$112,500	0	\$0	\$112,500	0	\$0	\$2,250,000	\$3,225,000	
Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming CRCE Exam)	750	\$787,500	\$0	0	\$0	\$112,500	0	\$0	\$112,500	0	\$0	\$112,500	0	\$0	\$2,250,000	\$3,375,000	
Obtain License for LPCC Intern	538	\$446,540	\$0	1,076	\$893,080	\$47,075	1,076	\$893,080	\$141,225	1,076	\$893,080	\$235,375	2,152	\$35,723,200	\$6,590,500	\$45,863,155	
Complying with LEP CE Requirements	1,803	\$162,270	\$0	0	\$0	\$162,270	0	\$0	\$162,270	0	\$0	\$162,270	0	\$0	\$3,245,400	\$3,894,480	
Complying with CE Exception Process	100	\$30,000	\$0	0	\$0	\$0	0	\$0	\$0	0	\$0	\$0	0	\$0	\$0	\$30,000	
CE Providers	25	\$5,000	\$0	0	\$0	\$0	0	\$0	\$5,000	0	\$0	\$0	0	\$0	\$100,000	\$110,000	
																Total Cost	\$71,195,908

Formula for calculating ongoing costs in perpetuity - (Annual value/discount rate) Discount rate of 5% used.

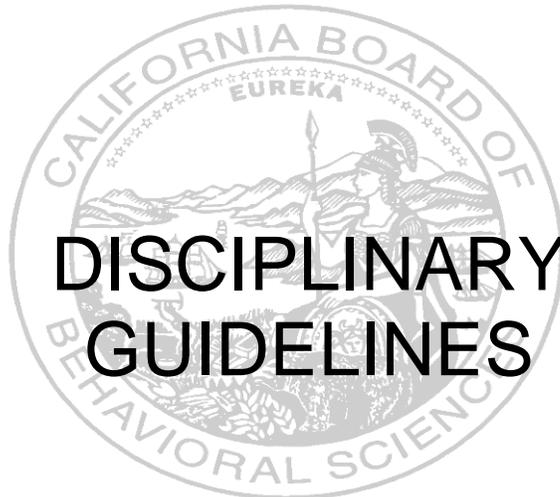
Benefit Projection Table	FY 10/11			FY 11/12			FY 12/13			FY 13/14			Perpetuity			Sub - Totals	
	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	New Pop.	Initial	Ongoing	Initial+Ongoing	
MFT/LCSW Obtaining an LPCC "Grand-Parented" License Assuming Practice Divergence Examination is Necessary	5,897	\$13,268,250	\$0	0	\$0	\$13,268,250	0	\$0	\$13,268,250	0	\$0	\$13,268,250	0	\$0	\$13,268,250	\$66,341,250	
Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming NCE Exam)	750	\$33,750,000	\$0	0	\$0	\$33,750,000	0	\$0	\$33,750,000	0	\$0	\$33,750,000	0	\$0	\$33,750,000	\$168,750,000	
Non-MFT/LCSW Obtaining an LPCC "Grand-Parented" License (Assuming CRCE Exam)	750	\$33,750,000	\$0	0	\$0	\$33,750,000	0	\$0	\$33,750,000	0	\$0	\$33,750,000	0	\$0	\$33,750,000	\$168,750,000	
Cost to Obtain License for LPCC Intern	538	\$24,210,000	\$0	1,076	\$48,420,000	\$24,210,000	1,076	\$48,420,000	\$72,630,000	1,076	\$48,420,000	\$121,050,000	2,152	\$1,936,800,000	\$3,389,400,000	\$5,713,560,000	
Increase in Business to All CE Providers	N/A	\$162,270	\$0	N/A	\$0	\$162,270	N/A	\$0	\$162,270	N/A	\$0	\$162,270	N/A	\$0	\$3,245,400	\$3,894,480	
																Total Benefit	\$6,121,295,730

Formula for calculating ongoing costs in perpetuity - (Annual value/discount rate) Discount rate of 5% used.

State of California

Department of Consumer Affairs

Board of Behavioral Sciences



**DISCIPLINARY
GUIDELINES**

Revised: ~~November 2008~~ March 2010

INTRODUCTION

The Board of Behavioral Sciences (hereinafter “the Board”) is a consumer protection agency with the primary mission of protecting consumers by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction. In keeping with its mandate, the Board has adopted the following recommended guidelines for the intended use of those involved in the disciplinary process: Administrative Law Judges, respondents and attorneys involved in the discipline process, as well as Board members who review proposed decisions and stipulations and make final decisions.

These guidelines consist of two parts: an identification of the types of violations and range of penalties, for which discipline may be imposed (Penalty Guidelines); and model language for proposed terms and conditions of probation (Model Disciplinary Orders).

The Board expects the penalty imposed to be commensurate with the nature and seriousness of the violation.

These penalty guidelines apply only to the formal disciplinary process and do not apply to other alternatives available to the Board, such as citations and fines. See Business and Professions Code Section 125.9 and Title 16 California Code of Regulations Section 1886.

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Penalty Guidelines

The following is an attempt to provide information regarding violations of statutes and regulations under the jurisdiction of the Board of Behavioral Sciences and the appropriate range of penalties for each violation. Each penalty listed is followed in parenthesis by a number, which corresponds with a number under the chapter "Model Disciplinary Orders." Examples are given for illustrative purposes, but no attempt is made to catalog all possible violations. Optional conditions listed are those the Board deems most appropriate for the particular violation; optional conditions not listed as potential minimum terms, should nonetheless be imposed where appropriate. The Board recognizes that the penalties and conditions of probation listed are merely guidelines and that individual cases will necessitate variations which take into account unique circumstances.

If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that the Administrative Law Judge hearing the case include an explanation of the deviations or omissions, including all mitigating factors considered by the Administrative Law Judge in the Proposed Decision so that the circumstances can be better understood by the Board during its review and consideration of the Proposed Decision.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982.26 LCSW: B&P § 4992.33 LEP: B&P § 4989.58 <u>LPCC: B&P § 4999.90(k)</u> GP: B&P § 729	Engaging in Sexual Contact with Client / Former Client	<ul style="list-style-type: none"> Revocation / Denial of license or registration Cost recovery. 	<ul style="list-style-type: none"> Revocation / Denial of license or registration Cost recovery. The law requires revocation/denial of license or registration.
MFT: B&P § 4982(aa)(1) LCSW: B&P § 4992.3(x)(1) LEP: B&P § 4989.54(y)(1) <u>LPCC: B&P § 4999.90(z)(1)</u>	Engaging In Act with a Minor Punishable as a Sexually Related Crime Regardless of Whether the Act occurred prior to or after registration or licensure. or Engaging in act described in Section 261, 286, 288a, or 289 of the Penal code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the Board.	<ul style="list-style-type: none"> Revocation / Denial of license or registration Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.	<ul style="list-style-type: none"> Revocation / Denial of license or registration Cost recovery. The Board considers this reprehensible offense to warrant revocation/denial.
MFT: B&P § 4982(k), 4982.26 LCSW: B&P § 4992.3(k), 4992.33 CCR § 1881(f) LEP: B&P § 4989.58 B&P § 4989.54(n) <u>LPCC: B&P § 4999.90(k)</u> GP: B&P § 480, 726	Sexual Misconduct (Anything other than as defined in B&P Section 729)	<ul style="list-style-type: none"> Revocation stayed 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation Take and pass licensure examinations as a condition precedent to resumption of practice 7 years probation Standard terms and conditions Psychological/psychiatric evaluation as a condition precedent to resumption of practice Supervised practice 	<ul style="list-style-type: none"> Revocation / Denial of license or registration Cost recovery. (See B&P 4982.26, 4989.58, 4992.33) The Board considers this reprehensible offense to warrant revocation/denial.

		<ul style="list-style-type: none"> • Psychotherapy • Education • Take and pass licensure examination • Reimbursement of probation program <p>And if warranted, enter and complete a rehabilitation program approved by the Board; abstain from controlled substances/use of alcohol, submit to biological fluid testing and samples; restricted practice, reimbursement of probation program costs.</p>	
<p>MFT: B&P § 4982(k) LCSW: B&P § 4992.3(k) CCR § 1881(f) LEP: B&P § 4989.54(n) LPCC: B&P § 4999.90(k) GP: B&P § 480</p>	Commission of an Act Punishable as a Sexually Related Crime	<ul style="list-style-type: none"> • Revocation stayed • 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation • Psychotherapy • 5 years probation; standard terms and conditions • Psychological/psychiatric evaluation as a condition precedent to the resumption of practice • Supervised practice • Education • Cost recovery • Reimbursement of probation program costs <p>And if warranted, restricted practice.</p>	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
<p>MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: B&P § 4989.26 LPCC: B&P § 4999.90(c) GP: B&P § 480, 820</p>	Impaired Ability to Function Safely Due to Mental Illness or Physical Illness Affecting Competency or Chemical Dependency	<ul style="list-style-type: none"> • Revocation stayed • 60-90 days actual suspension and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation and to implement any recommendations from that evaluation • 5 years probation; standard terms and conditions • Supervised practice • Cost recovery • Reimbursement of probation program costs. <p><u>In addition:</u></p> <ul style="list-style-type: none"> • MENTAL ILLNESS: Psychological/psychiatric evaluation; psychotherapy. 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.

		<ul style="list-style-type: none"> • PHYSICAL ILLNESS: Physical evaluation; and if warranted: restricted practice • CHEMICAL DEPENDENCY Psychological/psychiatric evaluation; therapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid tests and samples; and if warranted: restricted practice. 	
MFT: B&P § 4982(c), 4982.1 LCSW: B&P § 4992.3(c), 4992.35 LEP: B&P § 4989.54(c), 4989.56 LPCC: <u>B&P § 4999.90(c)</u> GP: B&P § 480	Chemical Dependency / Use of Drugs With Client While Performing Services	<ul style="list-style-type: none"> • Revocation stayed • 120-180 days minimum actual suspension and such additional time as may be necessary to obtain and review psychological/psychiatric evaluation and to implement any recommendations from that evaluation • 5 years probation • Standard terms and conditions • Psychological/psychiatric evaluation • Supervised practice • Education • Supervised practice • Education • Rehabilitation program • Abstain from controlled substances • Submit to biological fluid test and samples • Cost recovery • Reimbursement of probation program costs And if warranted, psychotherapy; restricted practice	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982(i) LCSW: B&P § 4992.3(i) CCR § 1881(d) LEP: B&P § 4989.54(m) LPCC: <u>B&P § 4999.90(i)</u> GP: B&P § 480	Intentionally / Recklessly Causing Physical or Emotional Harm to Client	<ul style="list-style-type: none"> • Revocation stayed • 90-120 days actual suspension • 5 years probation • Standard terms and conditions • Supervised practice • Education • Take and pass licensure examinations • Cost recovery • Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; psychotherapy, restricted practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration application • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(d) LCSW: B&P § 4992.3(d) CCR § 1881(m) LEP: B&P § 4989.54(k) <u>LPCC: B&P § 4999.90(d)</u> GP: B&P § 480	Gross Negligence / Incompetence	<ul style="list-style-type: none"> • Revocation stayed • 60-90 days actual suspension; 5 years probation • Standard terms and conditions; supervised practice • Education • Take and pass licensure examinations • Cost recovery • Reimbursement of probation program costs; And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; restricted practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982 CCR § 1845 LCSW: B&P § 4992.3 CCR § 1881 LEP: B&P § 4989.54 CCR § 1858 <u>LPCC: B&P § 4999.90</u> GP: B&P § 125.6 480, 821	General Unprofessional Conduct	<ul style="list-style-type: none"> • Revocation stayed • 60-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Supervised practice • Education • Cost recovery; reimbursement of probation program And if warranted: psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; restricted practice, law and ethics course.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.

<p align="center">Statutes and Regulations</p> <p>Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)</p>	<p align="center">Violation Category</p>	<p align="center">Minimum Penalty</p>	<p align="center">Maximum Penalty</p>
<p>MFT: B&P § 4980.40(h), 4982(a) LCSW: B&P § 4992.3(a), 4996.2(d), 4996.18(a) LEP: B&P § 4989.20(a)(3), 4989.54(a) <u>LPCC: B&P § 4999.90(a)</u> GP: B&P § 480, 490, 493</p>	<p>Conviction of a Crime Substantially Related to Duties, Qualifications, and Functions of a Licensee / Registrant</p>	<ul style="list-style-type: none"> • Revocation stayed • 60 days actual suspension • 5 years probation • Standard terms and conditions • Supervised practice • Education • Cost recovery • Reimbursement of probation program costs (Costs and conditions of probation depend on the nature of the criminal offense). <p>CRIMES AGAINST PEOPLE: Add: Psychological/psychiatric evaluation; psychotherapy; restitution; and if warranted: rehabilitation program; restricted practice.</p> <p>DRUGS AND ALCOHOL: Add: Psychological/psychiatric evaluation; psychotherapy; rehabilitation program; abstain from controlled substances/use of alcohol, submit to biological fluid testing; and if warranted: restricted practice.</p> <p>FISCAL AND PROPERTY CRIMES: Add: Restitution, and if warranted: psychotherapy; take and pass licensure exams; rehabilitation program; restricted practice.</p>	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(j) LCSW: B&P § 4992.3(j) CCR § 1881(e) LEP: B&P § 4989.54(g) <u>LPCC: B&P § 4999.90(j)</u> GP: B&P § 480, 650, 810	Commission of Dishonest, Corrupt, or Fraudulent Act Substantially Related to Qualifications, Duties and Functions of License	<ul style="list-style-type: none"> • Revocation stayed • 30-60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Law and ethics course • Reimbursement of probation program costs And if warranted. psychological/psychiatric evaluation; supervised practice; psychotherapy; take and pass licensure exams; restricted practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4980.02, 4982(l), 4982(s), 4982(t) CCR § 1845(a), 1845(b) LCSW: B&P § 4992.3(l) 4996.9 CCR § 1881(g), 1881(h) LEP: B&P § 4989.14 4989.54(r) CCR § 1858(b) 1858(j) <u>LPCC: B&P § 4999.90(l), 4999.90(s)</u> <u>4999.90(t)</u> GP: B&P § 480	Performing, Representing Able to Perform, Offering to Perform, Permitting Trainee or Intern to Perform Beyond Scope of License / Competence	<ul style="list-style-type: none"> • Revocation stayed • 30-60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted, psychological/psychiatric evaluation; supervised practice; psychotherapy, take and pass licensure exams; restricted practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982.25 LCSW: B&P § 4992.36 LEP: B&P § 4989.54(h), 4989.54(i) <u>LPCC: B&P § 4990.38</u> GP: B&P § 141, 480	Discipline by Another State or Governmental Agency	<ul style="list-style-type: none"> • Determine the appropriate penalty by comparing the violation under the other state with California law. And if warranted: take and pass licensure examinations as a condition precedent to practice; reimbursement of probation program costs.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(b) LCSW: B&P § 4992.3(b), B&P §4992.7 LEP: B&P § 4989.54(b) <u>LPCC: B&P § 4999.90 (b)</u> GP: B&P § 480, 498, 499	Securing or Attempting to Secure a License by Fraud	<ul style="list-style-type: none"> • Revocation / Denial of license or registration application; • Cost recovery. 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4980, 4982(f) CCR § 1845(a), 1845(b) LCSW: B&P § 4992.3(f), 4996 CCR § 1881(a) LEP: B&P § 4989.54(l) <u>LPCC: B&P § 4999.90(f)</u> GP: B&P § 480	Misrepresentation of License / Qualifications	<ul style="list-style-type: none"> • Revocation stayed • 60 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: take and pass licensure examinations.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery.
MFT: B&P § 4982(q) LCSW: B&P § 4992.3(q) - CCR § 1881(l) LEP: B&P § 4989.54(s) <u>LPCC: B&P § 4999.90(q)</u> GP: B&P § 123, 480, 496	Violates Exam Security / Subversion of Licensing Exam	<ul style="list-style-type: none"> • Revocation stayed • 5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(g) LCSW: B&P § 4992.3(g), 4992.7 CCR § 1881(b) LEP: CCR § 1858(a) <u>LPCC: B&P § 4999.90(g)</u> GP: B&P § 119, 480	Impersonating Licensee / Allowing Impersonation	<ul style="list-style-type: none"> • Revocation stayed • 60-90 days actual suspension • 5 years probation • Supervised practice • Standard terms and conditions • Psychological/psychiatric evaluation • Psychotherapy • Cost recovery • Reimbursement of probation costs 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(h) LCSW: B&P § 4992.3(h) CCR § 1881(c) LEP: B&P § 4989.54 (t) <u>LPCC: B&P § 4999.90(h)</u> GP: B&P § 125, 480	Aiding and Abetting Unlicensed / Unregistered Activity	<ul style="list-style-type: none"> • Revocation stayed • 30-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: supervised practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(m) LCSW: B&P § 4992.3(m) CCR § 1881(i) LEP: B&P § 4989.54 (q) <u>LPCC: B&P § 4999.90(m)</u> GP: B&P § 480	Failure to Maintain Confidentiality	<ul style="list-style-type: none"> • Revocation stayed • 60-90 days actual suspension • 3-5 years probation • Standard terms and conditions • Education • Take and pass licensure exams • Cost recovery • Reimbursement of probation program costs 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 728 LCSW: B&P § 728 <u>LPCC: B&P § 728</u> GP: B&P § 480	Failure to Provide Sexual Misconduct Brochure	<ul style="list-style-type: none"> • Revocation stayed • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs. 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(r), 4982(t), 4982(u) CCR § 1833.1, 1845(b) LCSW: B&P § 4992.3(r) LEP: CCR § 1881(h) <u>LPCC: B&P § 4999.90(r)</u> 4999.90(t), 4999.90(u)	Improper Supervision of Trainee / Intern / Associate / Supervisee	<ul style="list-style-type: none"> • Revocation stayed • 30-90 days actual suspension • 2 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs And if warranted: supervised practice.	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(e), 4982(u) LCSW: B&P § 4992.3(e), 4992.3(r) LEP: B&P § 4989.54(f) LPCC: B&P § 4999.90(e) <u>4999.90(u)</u> GP: B&P § 480	Violations of the Chapter or Regulations by licensees or Registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience	<ul style="list-style-type: none"> • Revocation stayed • Registration on probation until exams are passed and license issued • License issued on probation for one year • Rejection of all illegally acquired hours • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs. 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(o) LCSW: B&P § 4992.3(o) CCR § 1881(n) LEP: B&P § 4989.54(p) LPCC: B&P § 4999.90 (o) GP: B&P § 650	Pay, Accept, Solicit Fee for Referrals	<ul style="list-style-type: none"> • Revocation stayed • 3-5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs • Law and Ethics course 	<ul style="list-style-type: none"> • Revocation / Denial of license or registration • Cost recovery
MFT: B&P § 4982(n) LCSW: B&P § 4992.3(n) CCR § 1881(j) LEP: B&P § 4989.54(0) LPCC: B&P § 4999.90 (n)	Failure to Disclose Fees in Advance	<ul style="list-style-type: none"> • Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program 	<ul style="list-style-type: none"> • Revocation stayed • 30 days actual suspension • 2 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program
MFT: B&P § 4980.46, 4982(p) LCSW: B&P § 4992.3(p) CCR § 1881(k) LEP: B&P § 4989.54(e) LPCC: B&P § 4999.90(p) ALL: CCR § 1811 GP: B&P § 480, 651, 17500	False / Misleading / Deceptive / Improper Advertising	<ul style="list-style-type: none"> • Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program 	<ul style="list-style-type: none"> • Revocation stayed • 30-60 days actual suspension • 5 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs

Statutes and Regulations Business and Professions Code: (B&P) Title 16, California Code of Regulations: (CCR) General Provisions: (GP) Penal Code: (PC) Welfare and Institutions Code: (WI)	Violation Category	Minimum Penalty	Maximum Penalty
MFT: B&P § 4982(v) LCSW: B&P § 4992.3(s) LEP: B&P § 4989.54(i) LPCC: B&P § 4999.90(v)	Failure to Keep Records Consistent with Sound Clinical Judgment	<ul style="list-style-type: none"> • Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program 	<ul style="list-style-type: none"> • Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs
MFT: B&P § 4982(y) LCSW: B&P § 4992.3(v) LEP: B&P § 4989.54(x)	Willful Violation Of Chapter 1 (Commencing With Section 123100) Of Part 1 Of Division 106 Of The Health And Safety Code	<ul style="list-style-type: none"> • Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs 	<ul style="list-style-type: none"> • Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs
MFT: B&P § 4982(z) LCSW: B&P § 4992.3(w)	Failure To Comply With Section 2290.5 (Telemedicine)	<ul style="list-style-type: none"> • Revocation stayed • 1 year probation • Standard terms and conditions • Education • Cost recovery; • Reimbursement of probation program costs. 	<ul style="list-style-type: none"> • Revocation stayed • 30 days actual suspension • 1-3 years probation • Standard terms and conditions • Education • Cost recovery • Reimbursement of probation program costs

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Model Disciplinary Orders

Model Disciplinary Orders are divided into two categories. The first category consists of **Optional Terms and Conditions of Probation** that may be appropriate as demonstrated in the Penalty Guidelines depending on the nature and circumstances of each particular case. The second category consists of the **Standard Terms and Conditions of Probation** which must appear in all Proposed Decisions and proposed stipulated agreements.

To enhance the clarity of a Proposed Decision or Stipulation, the Board requests that all optional conditions (1-16) that are being imposed be listed first in sequence followed immediately by all of the standard terms and conditions, which include cost recovery (17- 32).

Optional Terms and Conditions of Probation

Depending on the nature and circumstances of the case, the optional terms and conditions of probation that may appear are as follows:

1. Actual suspension
2. Psychological / Psychiatric evaluation
3. Psychotherapy
4. Supervised Practice
5. Education
6. Take and Pass licensure examinations
7. Rehabilitation Program
8. Abstain from Controlled Substances/Submit to Biological Fluid Testing and Samples
9. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples
10. Restricted Practice
11. Restitution
12. Reimbursement of Probation Program
13. Physical Evaluation
14. Monitor Billing System
15. Monitor Billing System Audit
16. Law and Ethics Course

1. Actual Suspension

A. Commencing from the effective date of this decision, respondent shall be suspended from the practice of _____ for a period of ___ days.

OR

B. Commencing from the effective date of this decision, respondent shall be suspended from the practice of _____ for a period of ___ days, and such additional time as may be necessary to obtain and review psychological or psychiatric evaluation, to implement any recommendations from that evaluation, and to successfully complete the required licensure examinations as a condition precedent to resumption of practice as outlined in condition #____ (Take and pass licensure examinations).

2. Psychological / Psychiatric Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such evaluator shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Board. Respondent shall comply with the recommendations of the evaluator.

Note: If supervised practice is not part of the order, and the evaluator finds the need for supervised practice, then the following term shall be added to the disciplinary order. If a psychological or psychiatric evaluation indicates a need for supervised practice, (within 30 days of notification by the Board), respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the respondent's practice will be supervised.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

(FYI: The Board requires the appointment of evaluators who have appropriate knowledge, training, and experience in the area involved in the violation).

3. Psychotherapy

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within 60 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that respondent provide written documentation of his or her good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the Board's decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified respondent that he/she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

(FYI: The Board requires that therapists have appropriate knowledge, training and experience in the area involved in the violation).

4. Supervised Practice

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent.

If respondent is unable to secure a supervisor in his or her field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

- (1) Permitting the respondent to receive supervision via videoconferencing; or,
- (2) Permitting respondent to secure a supervisor not in the respondent's field of practice.

The forgoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of his or her good faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a mental health professional that is licensed in the respondent's field of practice.

Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

[Optional - Respondent shall not practice until he/she has received notification that the Board has approved respondent's supervisor.]

5. Education

Respondent shall take and successfully complete the equivalency of ____ semester units in each of the following areas _____. All course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, ~~or educational psychologist,~~ or professional clinical counselor or through a course approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision.

Within 90 days of the effective date of the decision respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

(FYI: This term is appropriate when the violation is related to record keeping, which includes but is not limited to: recordkeeping, documentation, treatment planning, progress notes, security of records, billing, and reporting requirements.)

6. Take and Pass Licensure Examinations

Respondent shall take and pass the licensure exam(s) currently required of new applicants for the license possessed by respondent. Respondent shall not practice until such time as respondent has taken and passed these examinations. Respondent shall pay the established examination fees. If respondent has not taken and passed the examination within twelve months from the effective date of this decision, respondent shall be considered to be in violation of probation.

7. Rehabilitation Program

Within fifteen (15) days from the effective date of the decision, respondent shall submit to the Board or its designee for prior approval the name of one or more rehabilitation program(s). Respondent shall enter a rehabilitation and monitoring program within fifteen (15) days after notification of the board's approval of such program. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board or its designee. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall sign a release allowing the program to release to the Board all information the Board deems relevant.

Components of the treatment contract shall be relevant to the violation and to the respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random biological fluid testing, abstention from drugs and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne by the respondent.

8. Abstain from Controlled Substances / Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use or possession of controlled or illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by

the Board or its designee. The length of time and frequency will be determined by the Board. Respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent's current employer and shall be a violation of probation.

9. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples

Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. The respondent is responsible for ensuring that reports are submitted directly by the testing agency to the Board or its designee. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the respondent's current employer and shall be a violation of probation.

10. Restricted Practice

Respondent's practice shall be limited to _____. Within 30 days from the effective date of the decision, respondent shall submit to the Board or its designee, for prior approval, a plan to implement this restriction. Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor of the restrictions imposed on their practice.

11. Restitution

Within 90 days of the effective date of this decision, respondent shall provide proof to the Board or its designee of restitution in the amount of \$_____ paid to _____.

12. Reimbursement of Probation Program

Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be \$_____ per year/\$_____ per month.

13. Physical Evaluation

Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a physical evaluation by such licensed physicians as are appointed by the Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in a timely fashion constitutes a violation of probation.

Such physician shall furnish a written report to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a therapist and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the physician to release all information to the Board. Respondent shall comply with the

recommendations of the physician.

If a physical evaluation indicates a need for medical treatment, within 30 days of notification by the Board, respondent shall submit to the Board or its designee the name and qualifications of the medical provider, and a treatment plan by the medical provider by which the respondent's physical treatment will be provided.

If respondent is determined to be unable to practice independently and safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

14. Monitor Billing System

Within 30 days of the effective date of this decision, respondent shall obtain the services of an independent billing system to monitor and document the dates and times of client visits. Clients are to sign documentation stating the dates and time of services rendered by respondent and no bills are to be issued unless there is a corresponding document signed by the client in support thereof. The billing system service shall submit quarterly written reports concerning respondent's cooperation with this system. The cost of the service shall be borne by respondent.

15. Monitor Billing System Audit

Within 60 days of the effective date of this decision, respondent shall provide to the Board or its designee the names and qualifications of three auditors. The Board or its designee shall select one of the three auditors to annually audit respondent's billings for compliance with the Billing System condition of probation. During said audit, randomly selected client billing records shall be reviewed in accordance with accepted auditing/accounting standards and practices. The cost of the audits shall be borne by respondent. Failure to pay for the audits in a timely fashion shall constitute a violation of probation.

16. Law and Ethics Course

Respondent shall take and successfully complete the equivalency of two semester units in law and ethics. Course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, or educational psychologist, professional clinical counselor as defined in Sections 4980.40, and 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes and Section 1854 of Title 16 of the California Code of Regulations or through a course approved by the Board. Classroom attendance must be specifically required. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. The costs associated with the law and ethics course shall be paid by the respondent. Units obtained for an approved course in law and ethics shall not be used for continuing education units required for renewal of licensure.

(FYI: This term is appropriate when the licensee fails to keep informed about or comprehend the legal obligations and/or ethical responsibilities applicable to their actions. Examples include violations involving boundary issues, transference/countertransference, breach of confidentiality and reporting requirements.)

Standard Terms and Conditions of Probation

The sixteen standard terms and conditions generally appearing in every probation case are as follows:

17. Obey All Laws
18. File Quarterly Reports
19. Comply with Probation Program
20. Interviews with the Board
21. Residing or Practicing Out-of-State
22. Failure to Practice- California Resident
23. Change of Place of Employment or Place of Residence
24. Supervision of Unlicensed Persons
25. Notification to Clients
26. Notification to Employer
27. Violation of Probation
28. Maintain Valid License
29. License Surrender
30. Instruction of Coursework Qualifying for Continuing Education
31. Notification to Referral Services
32. Cost Recovery

Specific Language for Standard Terms and Conditions of Probation

(To be included in all Decisions)

17. Obey All Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall pay the cost associated with the fingerprint process.

18. File Quarterly Reports

Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether he/she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.

19. Comply with Probation Program

Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the program.

20. Interviews with the Board

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

21. Residing or Practicing Out-of-State

In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, ~~or 4996.9~~, or 4999.20 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in practice within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California total two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing in another state of the United States and is on active probation with the licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

(OPTIONAL)

Any respondent disciplined under Business and Professions Code Sections 141(a), 4982.25, 4992.36, ~~or 4989.54(h), 4989.54(i)~~, or 4990.38 (another state discipline) may petition for modification or termination of penalty: 1) if the other state's discipline terms are modified, terminated or reduced; and 2) if at least one year has elapsed from the effective date of the California discipline.

22. Failure to Practice- California Resident

In the event respondent resides in the State of California and for any reason respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which

respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, ~~or~~ 4996.9, or 4999.20 of the Business and Professions Code.

23. Change of Place of Employment or Place of Residence

Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.

24. Supervision of Unlicensed Persons

While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this Decision.

25. Notification to Clients

Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

(FYI: Respondents should seek guidance from Board staff regarding appropriate application of this condition).

26. Notification to Employer

Respondent shall provide each of his or her current or future employers, when performing services that fall within the scope of practice of his or her license, a copy of this Decision and the Statement of Issues or Accusation before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.

27. Violation of Probation

If respondent violates the conditions of his/her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the discipline (revocation/suspension) of respondent's license [or registration] provided in the decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's license [or registration] or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be

automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, respondent's license [or registration] shall be fully restored.

28. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and active license with the Board, including any period during which suspension or probation is tolled. Should respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this probation not previously satisfied.

29. License Surrender

Following the effective date of this decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar days deliver respondent's license and certificate and if applicable wall certificate to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become a part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

30. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

31. Notification to Referral Services

Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the Board that respondent seeks to join.

32. Cost Recovery

Respondent shall pay the Board \$_____ as and for the reasonable costs of the investigation and prosecution of Case No. _____. Respondent shall make such payments as follows: [Outline payment schedule.] Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. _____. Any order for payment of cost recovery shall

remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of his or her obligation to reimburse the board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

BOARD POLICIES AND GUIDELINES

Accusations

The Board of Behavioral Sciences (Board) has the authority pursuant to Section 125.3 of the Business and Professions Code to recover costs of investigation and prosecution of its cases. The Board requests that this fact be included in the pleading and made part of the accusation.

Statement of Issues

The Board will file a Statement of Issues to deny an application of a candidate for the commission of an act, which if committed by a licensee would be cause for license discipline.

Stipulated Settlements

The Board will consider entering into stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to settlement with the Board, he or she may be required to admit to the violations set forth in the Accusation. The Deputy Attorney General must accompany all proposed stipulations submitted with a memo addressed to Board members explaining the background of the case, defining the allegations, mitigating circumstances, admissions, and proposed penalty along with a recommendation.

Recommended Language for License Surrenders

"Admission(s) made in the stipulation are made solely for the purpose of resolving the charges in the pending accusation, and may not be used in any other legal proceedings, actions or forms, except as provided in the stipulation.

The admissions made in this stipulation shall have no legal effect in whole or in part if the Board does not adopt the stipulation as its decision and order.

Contingency

This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his/her counsel. By signing the stipulation, Respondent understands and agrees that he/she may not withdraw his/her agreement or seek to rescind the stipulation prior to the time

the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

Respondent fully understands that when the Board adopts the license surrender of respondent's license, respondent will no longer be permitted to practice as a _____ in California. Respondent further understands that the license surrender of his or her license, upon adoption, shall be considered to be a disciplinary action and shall become a part of respondent 's license history with the Board.

The respondent further agrees that with the adoption by the Board of his or her license surrender, respondent may not petition the Board for reinstatement of the surrendered license.

Respondent may reapply to the Board for licensure three years from the date of surrender and must meet all current requirements for licensure including, but not limited, to filing a current application, meeting all current educational requirements, and taking and passing any and all examinations required of new applicants.

Respondent understands that should he or she ever reapply for licensure as a _____ or should he or she ever apply for any other registration or licensure issued by the Board, or by the Board of Psychology, all of the charges contained in Accusation No. _____ shall be deemed admitted for the purpose of any Statement of Issues or other proceeding seeking to deny such application or reapplication."

Recommended Language for Registration Applicants

IT IS HEREBY ORDERED THAT Respondent _____ be issued a Registration as a _____. Said Registration shall be revoked. The revocation will be stayed and Respondent placed on _____ years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is issued a subsequent registration or becomes licensed during the probationary period.

Recommended Language for Registrants

IT IS HEREBY ORDERED THAT _____ Registration Number _____ issued to Respondent _____ is revoked. The revocation will be stayed and respondent placed on _____ years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is issued a subsequent registration or becomes licensed during the probationary period.

Proposed Decisions

The Board requests that proposed decisions include the following if applicable:

- A. Names and addresses of all parties to the action.
- B. Specific Code section violated with the definition of the code in the Determination of Issues.
- C. Clear description of the acts or omissions that constitute a violation.
- D. Respondent's explanation of the violation in the Findings of fact if he or she is present at the hearing.

E. Explanation for deviation from the Board's Disciplinary Guidelines.

When a probation order is imposed, the Board requests that the Order first list the Optional Terms and Conditions (1-16) followed by the Standard Terms and Conditions (17–22) as they may pertain to the particular case. If the respondent fails to appear for his or her scheduled hearing or does not submit a notice of defense, such inaction shall result in a default decision to revoke licensure or deny application.

Reinstatement / Reduction of Penalty Hearings

The primary concerns of the Board at reinstatement or penalty relief hearings are (1) the Rehabilitation Criteria for Suspensions or Revocations identified in Title 16, California Code of Regulations Section 1814, and (2) the evidence presented by the petitioner of his or her rehabilitation. The Board is not interested in retrying the original revocation or probation case. The Board shall consider, pursuant to Section 1814, the following criteria of rehabilitation:

- (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
- (2) Evidence of any acts committed subsequent to the acts or crimes under consideration as grounds for suspension or revocation under Section 490 of the Code.
- (3) The time that has elapsed since commission of the acts or crimes giving rise to the suspension or revocation.
- (4) Whether the licensee has complied with any terms of probation, parole, restitution, or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent, or immaterial.
- (7) Efforts made by the applicant either to correct a false statement once made on an application

or to conceal the truth concerning facts required to be disclosed.

- (8) Evidence, if any, of rehabilitation submitted by the licensee.

In the Petition Decision the Board requires a summary of the offense and the specific codes violated which resulted in the revocation, surrender, or probation of the license.

In petitioning for Reinstatement or Reduction of Penalty under Business and Professions Code Section 4982.2, the petitioner has the burden of demonstrating that he or she has the necessary and current qualifications and skills to safely engage in the practice of marriage and family therapy, clinical social work, ~~or educational psychology, or professional clinical counselor~~ within the scope of current law, and accepted standards of practice. In reaching its determination, the Board considers various factors including the following:

- A. The original violations for which action was taken against the petitioner's license;
- B. Prior disciplinary and criminal actions taken against the petitioner by the Board, any State, local, or Federal agency or court;
- C. The petitioner's attitude toward his or her commission of the original violations and his or her

- attitude in regard to compliance with legal sanctions and rehabilitative efforts;
- D. The petitioner's documented rehabilitative efforts;
 - E. Assessment of the petitioner's rehabilitative and corrective efforts;
 - F. In addition, the Board may consider other appropriate and relevant matters not reflected above.

If the Board should deny a request for reinstatement of a revoked license or reduction of penalty (modification or termination of probation), the Board requests the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial.

If a petitioner fails to appear for his or her scheduled reinstatement or penalty relief hearing, such proceeding shall go forth without the petitioner's presence and the Board will issue a decision based on the written evidence and oral presentations submitted.



Board of Behavioral Sciences
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**RESPONSIBILITY STATEMENT FOR SUPERVISORS
 OF A PROFESSIONAL CLINICAL COUNSELOR INTERN**

Title 16, California Code of Regulations (16 CCR) Section 1821 requires any qualified licensed mental health professional who assumes responsibility for providing supervision to those working toward a Professional Clinical Counselor (PCC) license to complete and sign, under penalty of perjury, the following statement prior to the commencement of any counseling or supervision.

Name of PCC Intern:	Last	First	Middle
Name of Qualified Supervisor:		Qualified Supervisor's Daytime Telephone Number:	

As the supervisor:

- 1) I am licensed in California and have been so licensed for at least two years prior to commencing this supervision. (16 CCR § 1821)(b)(1) and Business and Professions Code (BPC) § 4999.12(h)(1))

A. The license I hold is:

Licensed Professional Clinical Counselor

_____	_____
<i>License #</i>	<i>Issue Date</i>

Marriage and Family Therapist

_____	_____
<i>License #</i>	<i>Issue Date</i>

Licensed Clinical Social Worker

_____	_____
<i>License #</i>	<i>Issue Date</i>

*Licensed Clinical Psychologist

_____	_____
<i>License #</i>	<i>Issue Date</i>

*Licensed Physician and Surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology

_____	_____
<i>License #</i>	<i>Issue Date</i>

- **B. I have had sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California. (16 CCR§ 1821(b)(2))

C. I will keep myself informed about developments in professional clinical counseling and in California law governing the practice of professional clinical counseling. (16 CCR § 1821(b)(3))

- 2) I have and maintain a current and valid license in good standing and will immediately notify any intern under my supervision of any disciplinary action taken against my license, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects my ability or right to supervise. (16 CCR § 1821(b)(4))
- 3) I have practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding this supervision. (16 CCR § 1821(b)(5))
- 4) I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns. (16 CCR § 1821(b)(6))
- 5) I have completed six (6) hours of supervision training or coursework within the two-year period immediately preceding this supervision, and must complete such coursework in each renewal period while supervising. If I have not completed such training or coursework, I will complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of the commencement of this supervision, and in each renewal period while providing supervision. (16 CCR § 1821(b)(6)(A) and (B))
- 6) I know and understand the laws and regulations pertaining to both the supervision of interns and the experience required for licensure as a licensed professional clinical counselor. (16 CCR § 1821(b)(7))

- 7) I shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the intern. (16 CCR § 1821(b)(8))
- 8) I shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate. (16 CCR § 1821(b)(9))
- 9) I shall address with the intern the manner in which emergencies will be handled. (16 CCR § 1821(b)(10))
- 10) I agree not to provide supervision to an intern unless the intern is a volunteer or employed in a 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 and is within the scope of practice for the profession as defined in BPC Section 4999.20. (BPC § 4999.44)
- 11) If I am to provide supervision on a voluntary basis in a setting which is not a private practice, a written agreement will be executed between myself and the organization in which the employer acknowledges that they are aware of the licensing requirements that must be met by the intern, they agree not to interfere with my legal and ethical obligations to ensure compliance with these requirements, and they agree to provide me with access to clinical records of the clients counseled by the intern. (16 CCR § 1820(e)(3))
- 12) I shall give at least (1) one week's prior written notice to an intern of my intent not to sign for any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision. (16 CCR § 1821(d))
- 13) I shall obtain from each intern for whom supervision will be provided, the name, address, and telephone number of the intern's most recent supervisor and employer. (16 CCR § 1821(e))
- 14) In any setting that is not a private practice, I shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a licensed professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in 16 CCR Section 1820 and 4999.44 of the Code. (16 CCR § 1821(f))
- 15) Upon written request of the Board, I shall provide to the board any documentation which verifies my compliance with the requirements set forth in 16 CCR Section 1821. (16 CCR § 1821(g))
- 16) I shall provide the intern with the original of this signed statement prior to the commencement of any counseling or supervision. (16 CCR § 1821(c))

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and that the information submitted on this form is true and correct.

Printed Name of Qualified Supervisor

Signature of Qualified Supervisor

Date

Mailing Address: Number and Street

City

State

Zip Code

The supervisor shall provide the intern being supervised with the original of this signed statement prior to the commencement of any counseling or supervision.

The intern shall submit this form to the board upon application for examination eligibility.

* Licensed Clinical Psychologists and Physicians certified in psychiatry are not required to comply with #5.

** Applies only to supervisors NOT licensed as a Licensed Professional Clinical Counselor.



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**WEEKLY SUMMARY OF EXPERIENCE HOURS
 FOR PROFESSIONAL CLINICAL COUNSELOR INTERNS**

THIS FORM SHALL BE COMPLETED PURSUANT TO TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 1820(e) Use a separate log for each supervised work setting.

(Please type or print clearly in ink)

Name of PCC Intern: Last		First	Middle
Name of Supervisor:			BBS File No (if known)
Name of Work Setting:	Address of Work Setting: Number and Street		City, State, Zip
Indicate the status of the hours logged: <input type="checkbox"/> Registered PCC Intern (PCC Intern No. _____)			Is this setting a hospital or community mental health setting? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Post-Degree with Application Pending for Intern			

Note: Child counseling can be logged in any appropriate category as specified by your supervisor

YEAR:	WEEK OF:													Total Hours
Individual Psychotherapy (performed by you)														
Group Therapy or Counseling (max. 500)														
Telephone Counseling (max. 250)														
Administering & evaluating psych. tests, writing clinical reports, writing progress or process notes (max. 250)*														
Workshops, seminars, training sessions, or conferences directly related professional clinical counseling* (max. 250)*														
Client Centered Advocacy (CCA)*														
Supervision, Individual Face-to-Face *														
Supervision, Group *														
Total Per Week														
		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												
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		Signature of Supervisor												
		Signature of Supervisor												
		Signature of Supervisor												

*When combined, these categories shall not exceed 1,250 hours of experience (BPC Section 4999.46 (b)(6))



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SUPERVISORY PLAN

Title 16, California Code of Regulations (CCR) Sections 1870.1 and 1822 requires all associate clinical social workers and professional clinical counselor interns and ~~licensed clinical social workers or licensed mental health professionals~~ acceptable to the Board as defined in Business and Professions Code Section 4996.23(a), 4999.12(h) and CCR Section 1874, who assume responsibility for providing supervision to those working toward a license as a Clinical Social Worker or Professional Clinical Counselor to complete and sign the following supervisory plan. The original signed plan shall be submitted by the ~~Associate Clinical Social Worker~~ registrant to the board upon application for license examination eligibility.

REGISTRANT-ASSOCIATE: (Please type or print clearly in ink.)

Legal name:	Last	First	Middle	ASW Registration Number
Address:	Number and Street			
City	State		Zip Code	
Business Telephone ()	Residence Telephone ()			

LICENSED SUPERVISOR: (Please type or print clearly in ink.)

Name:	Last	First	Middle	License No:	Expiration Date:																				
Employer Name:	Telephone Number: ()																								
Address:	Number and Street																								
City	State		Zip Code																						
Employment Setting:	<table border="0"> <tr> <td>a. Private Practice</td> <td><input type="checkbox"/></td> <td>d. Licensed Health Facility</td> <td><input type="checkbox"/></td> </tr> <tr> <td>a. Governmental Entity</td> <td><input type="checkbox"/></td> <td>e. Social Rehabilitation Facility/Community Treatment Facility</td> <td><input type="checkbox"/></td> </tr> <tr> <td>b. Nonprofit and Charitable Corporation</td> <td><input type="checkbox"/></td> <td>f. Pediatric Day Health and Respite Care Facility</td> <td><input type="checkbox"/></td> </tr> <tr> <td>c. School, College, or University</td> <td><input type="checkbox"/></td> <td>g. Licensed Alcoholism or Drug Abuse Recovery or Treatment Facility</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td>h. <u>Community Mental Health Facility</u></td> <td><input type="checkbox"/></td> </tr> </table>					a. Private Practice	<input type="checkbox"/>	d. Licensed Health Facility	<input type="checkbox"/>	a. Governmental Entity	<input type="checkbox"/>	e. Social Rehabilitation Facility/Community Treatment Facility	<input type="checkbox"/>	b. Nonprofit and Charitable Corporation	<input type="checkbox"/>	f. Pediatric Day Health and Respite Care Facility	<input type="checkbox"/>	c. School, College, or University	<input type="checkbox"/>	g. Licensed Alcoholism or Drug Abuse Recovery or Treatment Facility	<input type="checkbox"/>			h. <u>Community Mental Health Facility</u>	<input type="checkbox"/>
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		h. <u>Community Mental Health Facility</u>	<input type="checkbox"/>																						
Briefly describe the goals and objectives:																									

I certify that I understand the responsibilities regarding clinical supervision, including the supervisor's responsibility to perform ongoing assessments of the supervisee, and I declare under penalty of perjury under the laws of the State of California that the information submitted on this form is true and correct.

Supervisor's Signature	Date signed
Associate Registrant's Signature	Date signed

The **original** of this form must be submitted to the board upon application for license examination eligibility.



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RESPONSIBILITY STATEMENT FOR SUPERVISORS OF A MARRIAGE AND FAMILY THERAPIST TRAINEE OR INTERN

Title 16, California Code of Regulations (16 CCR) Section 1833.1 requires any qualified licensed mental health professional who assumes responsibility for providing supervision to those working toward a Marriage and Family Therapist license to complete and sign, under penalty of perjury, the following statement prior to the commencement of any counseling or supervision.

Name of MFT Trainee/Intern:	Last	First	Middle
Name of Qualified Supervisor:	Qualified Supervisor's Daytime Telephone Number:		

As the supervisor:

1) I am licensed in California and have been so licensed for at least two years prior to commencing this supervision. (16 CCR § 1833.1(a)(1) and Business and Professions Code (BPC) § 4999.12 (h))

A. The license I hold is:

Marriage and Family Therapist

_____ License # _____ Issue Date

Licensed Clinical Social Worker

_____ License # _____ Issue Date

Licensed Professional Clinical Counselor

_____ License # _____ Issue Date

*Psychologist

_____ License # _____ Issue Date

*Physician certified in psychiatry by the American Board of Psychiatry and Neurology

_____ License # _____ Issue Date

**B. I have had sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California. (16 CCR § 1833.1(a)(2))

C. I will keep myself informed about developments in marriage and family therapy and in California law governing the practice of marriage and family therapy. (16 CCR § 1833.1(a)(3))

- 2) I have and maintain a current and valid license in good standing and will immediately notify any trainee or intern under my supervision of any disciplinary action taken against my license, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects my ability or right to supervise. (16 CCR § 1833.1(a)(1), (a)(4))
- 3) I have practiced psychotherapy or provided direct supervision of trainees, interns, ~~or~~ associate clinical social workers, or professional clinical counselor interns who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding this supervision. (16 CCR § 1833.1(a)(5))
- 4) I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns. (16 CCR § 1833.1(a)(6))
- 5) I have completed six (6) hours of supervision training or coursework within the renewal period immediately preceding this supervision, and must complete such coursework in each renewal period while supervising. If I have not completed such training or coursework, I will complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of the commencement of this supervision, and in each renewal period while providing supervision. (16 CCR § 1833.1(a)(6)(A)&(B))
- 6) I know and understand the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist. (16 CCR § 1833.1(a)(7))
- 7) I shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern. (16 CCR § 1833.1(a)(8))

- 8) I shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate. (16 CCR § 1833.1(a)(9))
- 9) I shall address with the trainee or intern the manner in which emergencies will be handled. (16 CCR § 1833.1(a)(10))
- 10) I agree not to provide supervision to a TRAINEE unless the trainee is a volunteer or employed in a 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 and is within the scope of practice for the profession as defined in BPC Section 4980.02; (C) is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions. (BPC § 4980.43(d)(1))
- 11) I agree not to provide supervision to an INTERN unless the intern is a volunteer or employed in a 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 and is within the scope of practice for the profession as defined in BPC Section 4980.02. (BPC § 4980.43(e)(1))
- 12) If I am to provide supervision on a voluntary basis in a setting which is not a private practice, a written agreement will be executed between myself and the organization in which the employer acknowledges that they are aware of the licensing requirements that must be met by the intern or trainee, they agree not to interfere with my legal and ethical obligations to ensure compliance with these requirements, and they agree to provide me with access to clinical records of the clients counseled by the intern or trainee. (16 CCR § 1833(b)(4))
- 13) I shall give at least (1) one week's prior written notice to a trainee or intern of my intent not to sign for any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision. (16 CCR § 1833.1(c))
- 14) I shall obtain from each trainee or intern for whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's most recent supervisor and employer. (16 CCR § 1833.1(d))
- 15) In any setting that is not a private practice, I shall evaluate the site(s) where a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in 16 CCR Section 1833 and Section 4980.43 of the Code. (16 CCR § 1833.1(e))
- 16) Upon written request of the Board, I shall provide to the board any documentation which verifies my compliance with the requirements set forth in 16 CCR Section 1833.1. (16 CCR § 1833.1(f))
- 17) I shall provide the intern or trainee with the original of this signed statement prior to the commencement of any counseling or supervision. (16 CCR § 1833.1(b))

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and that the information submitted on this form is true and correct.

Printed Name of Qualified Supervisor	Signature of Qualified Supervisor	Date
Mailing Address: Number and Street	City	State
	Zip Code	

The supervisor shall provide the intern or trainee being supervised with the original of this signed statement prior to the commencement of any counseling or supervision.

The trainee or intern shall submit this form to the board upon application for examination eligibility.

* Psychologists and Physicians certified in psychiatry are not required to comply with #5.
 ** Applies only to supervisors NOT licensed as a Marriage and Family Therapist.



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**RESPONSIBILITY STATEMENT FOR SUPERVISORS OF AN
 ASSOCIATE CLINICAL SOCIAL WORKER**

Title 16, California Code of Regulations (16 CCR) Section 1870 requires any qualified licensed mental health professional who assumes responsibility for providing supervision to those working toward a license as a Clinical Social Worker to complete and sign, under penalty of perjury, the following statement prior to the commencement of supervision.

Associate's Name	ASW Number	Supervisor's Name
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As the supervisor:

1) I am licensed in California. The license I hold is: (16 CCR § 1870(a)(1))

Marriage and Family Therapist.....	_____	_____
	<i>License #</i>	<i>Issue Date</i>
Licensed Clinical Social Worker.....	_____	_____
	<i>License #</i>	<i>Issue Date</i>
<u>Licensed Professional Clinical Counselor.....</u>	_____	_____
	<u><i>License #</i></u>	<u><i>Issue Date</i></u>
*Psychologist.....	_____	_____
	<i>License #</i>	<i>Issue Date</i>
*Physician certified in psychiatry by the <i>American Board of Psychiatry and Neurology</i>	_____	_____
	<i>License #</i>	<i>Issue Date</i>

- 2) I have and will maintain a current and valid license in good standing and will immediately notify the associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects my ability or right to supervise. (16 CCR § 1870(a)(1)&(2))
- 3) I have practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy for at least two (2) years within the last five (5) years immediately preceding this supervision. (16 CCR § 1870(a)(3))
- 4) I have completed a minimum of fifteen (15) contact hours in supervision training that includes content specified in 16 CCR Section 1870(a)(4) obtained from a state agency or approved continuing education provider.** (16 CCR § 1870(a)(4)(A))
- 5) I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise associates. (16 CCR § 1870(a)(4))
- 6) I know and understand the laws and regulations pertaining to both the supervision of associates and the experience required for licensure as a clinical social worker. (16 CCR § 1870(a)(5))
- 7) I shall ensure that the extent, kind, and quality of clinical social work performed is consistent with the training and experience of the associate. (16 CCR § 1870(a)(6)(A))
- 8) I shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work. (16 CCR § 1870(a)(6)(B)-(D))

*** MFTs, LPCCs, Psychologists, and Physicians certified in psychiatry must be licensed for two years prior to commencement of supervision.**

**** Psychologists and Physicians board certified in psychiatry are not required to comply with #4.**

- 9) I shall develop a supervisory plan as described in Section 1870.1 of the California Code of Regulations. The original signed plan shall be submitted to the board upon the associate's application for licensure. (16 CCR § 1870(a)(7), 1870.1)
- 10) I agree not to provide supervision to an associate unless the associate is a volunteer or employed by a setting that (1) lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy; and (2) provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in Chapter 14 of the Business and Professions Code (BPC) and is within the scope of practice for clinical social work and psychotherapy as defined in BPC Section 4996.9. (BPC § 4996.23(e))
- 11) I shall provide the associate with this original signed form prior to the commencement of any supervision. (16 CCR § 1870(a)(8))
- 12) I shall give at least one (1) week's written notice to the associate of my intent not to certify any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision. (16 CCR § 1870(a)(9))
- 13) I shall complete an assessment of the ongoing strengths and limitations of the associate at least once a year and upon completion or termination of supervision and will provide copies of all assessments to the associate. (16 CCR § 1870(a)(10))
- 14) Upon written request of the board, I shall provide to the board any documentation which verifies my compliance with the requirements set forth in 16 CCR section 1870. (16 CCR § 1870(a)(11))

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and the information submitted on this form is true and correct.

<i>Printed Name of Qualified Supervisor</i>	<i>Signature of Qualified Supervisor</i>	<i>Date</i>
---------------------------------------------	------------------------------------------	-------------

<i>Mailing Address:</i>	<i>Number and Street</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
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Qualified Supervisor's Daytime Telephone Number: () _____

THE SUPERVISOR SHALL PROVIDE THE ASSOCIATE WITH THE ORIGINAL OF THIS SIGNED STATEMENT PRIOR TO THE COMMENCEMENT OF ANY SUPERVISION.

THE ASSOCIATE SHALL SUBMIT THE ORIGINAL SIGNED FORM TO THE BOARD UPON APPLICATION FOR LICENSURE.



Board of Behavioral Sciences
 1625 North Market Blvd., Suite S200, Sacramento, CA 95834
 Telephone: (916) 574-7830 TDD:(916) 322-1700
www.bbs.ca.gov



**CONTINUING EDUCATION (CE)
 PROVIDER APPLICATION**
\$200 FEE (Non-refundable)

(please type or print clearly in ink - use additional paper as necessary)

1. PROVIDER NAME <i>(limited to 40 characters)</i>		2. BUSINESS PHONE NUMBER ()	
3. MAILING ADDRESS <i>(street address, city, state, zip)</i>			
EMAIL OR WEBSITE ADDRESS <i>(optional)</i>		TAXPAYER ID NUMBER	
		WILL OFFER ON-LINE COURSES YES <input type="checkbox"/> NO <input type="checkbox"/>	
4. ORGANIZATION TYPE <i>(select one)</i>			
<input type="checkbox"/> association <input type="checkbox"/> licensed health facility <input type="checkbox"/> governmental agency <input type="checkbox"/> other <i>(please specify)</i> :		<input type="checkbox"/> 4-yr institution of higher learning <input type="checkbox"/> other educational organization <input type="checkbox"/> corporation <input type="checkbox"/> non-profit corporation <input type="checkbox"/> partnership <input type="checkbox"/> individual; TYPE: _____ LIC. # _____	
5. CALIF. DEPT. OF CONSUMER AFFAIRS LICENSES/REGISTRATIONS <i>(list those held only by the provider)</i>			
type _____		number _____	
expiration date _____		type _____	
number _____		expiration date _____	
5. HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD BEFORE? YES <input type="checkbox"/> NO <input type="checkbox"/>			
IF APPROVED, PCE # _____		IF DENIED, DATE OF DENIAL _____	
6. CE COORDINATOR NAME		7. CE COORDINATOR PHONE NUMBER ()	
8. COURSE SUBJECT MATTER(S) <i>(list subject matter - attach course outlines and an explanation of how each course relates to the scope of practice for LCSWs, LPCCs or MFTs)</i>			
9. INSTRUCTOR QUALIFICATIONS <i>(check all that apply - attach instructor resumes)</i>			
<input type="checkbox"/> license, registration, or certificate in an area related to the course subject matter <input type="checkbox"/> master's or higher degree in an area related to the course subject matter <input type="checkbox"/> training, certification, or teaching experience in subject matter related to the course subject matter <input type="checkbox"/> at least 2 years' experience in an area related to the course subject matter <input type="checkbox"/> other <i>(please specify)</i> :			

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CE Coordinator Signature

Date

~~1800-37A-633 (NEW 5/97)~~

- PLEASE ALLOW 6 TO 8 WEEKS FOR PROCESSING -

CE PROVIDER APPLICATION INSTRUCTIONS

SUBMIT YOUR COMPLETED APPLICATION AND FEE TO THE:
~~BOARD OF BEHAVIORAL SCIENCES, CONTINUING EDUCATION~~
~~PROGRAM, 400 R STREET, SUITE 3150, SACRAMENTO, CA~~
~~95814-6240.~~

<p><u>BOARD OF BEHAVIORAL SCIENCES</u> <u>CONTINUING EDUCATION PROGRAM</u> <u>1625 NORTH MARKET BLVD. SUITE S200</u> <u>SACRAMENTO, CA 95834</u></p>

1. ~~PROVIDER NAME~~ **PROVIDER NAME:** Full full-business name or individual's name (limited to 40 characters)
NOTE: *If provider is an individual, the provider will be listed by last name then first name.*
2. ~~BUSINESS PHONE NUMBER~~ **BUSINESS PHONE NUMBER:** ~~The~~ the-business phone number will be provided to licensees upon request.
3. ~~MAILING ADDRESS~~ **MAILING ADDRESS:** ~~This the mailing~~ address will be provided to licensees upon request is public information and will be placed on the internet.
4. ~~ORGANIZATION TYPE~~ **ORGANIZATION TYPE:** ~~The~~ the primary organization type of the provider - collected for statistical purposes.
5. ~~DCA LICENSES/REGISTRATIONS:~~ licenses/registrations issued by any licensing board or committee under the California Department of Consumer Affairs (Board of Behavioral Sciences, Board of Psychology, Board of Registered Nursing, etc.) which are held by the **provider** — do **not** list any licenses or registrations which are held by just the CE coordinator or instructors
5. **HAVE YOU OR YOUR AGENCY EVER APPLIED TO BE A PROVIDER WITH THIS BOARD:** This information is requested for historical purposes only and will not have any bearing on your current request for approval.
6. ~~CE COORDINATOR NAME~~ **CE COORDINATOR NAME:** ~~The~~ the individual responsible for administering the provider's CE program – this person will be the primary contact for the Board of Behavioral Sciences.
7. ~~CE COORDINATOR PHONE NUMBER~~ **CE COORDINATOR PHONE NUMBER:** ~~The~~ the CE Coordinator's phone number if different from business phone number will **not** be provided to licensees.
8. ~~COURSE SUBJECT MATTER(S)~~ **COURSE SUBJECT MATTER:** A a-description of the types of subject matter to be covered in future ~~MFCCMFT/LPCC/LCSW~~ courses offered by the provider. This —~~this~~ list does not have to be all-inclusive - but must include documentation that ~~which~~ demonstrates subject matter (e.g., ads, course outlines, catalogs). If —~~if~~ the provider does not have any courses planned at this time, list a sampling of the courses provided in the past.
9. ~~INSTRUCTOR QUALIFICATIONS~~ **INSTRUCTOR QUALIFICATIONS:** ~~Each~~ each-instructor must have at least two of the four qualifications listed – check ~~all~~ the boxes that apply and include documentation (e.g., resumes, curriculum vitae, biographical synopses) which ~~that~~ demonstrates qualifications for a **sampling** (one to four) of the instructors.

INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

The information provided on this application is maintained by the Executive Officer of the Board of Behavioral Sciences, 400 R Street, Suite 3150, Sacramento, CA 95814-6440, 1625 North Market Blvd., Suite S200, Sacramento, CA 95834, under the authority granted by the Business and Professions Code, Division 2, Chapter 13, Article 1, Section 4980.54, and Chapter 14, Article 4, Section 4996.22 and Chapter 16, Article 4, Section 4999.76.

→→→ **IT IS MANDATORY THAT YOU PROVIDE ALL INFORMATION REQUESTED. OMISSION OF ANY ITEM OF INFORMATION WILL RESULT IN THE APPLICATION BEING REJECTED AS**

INCOMPLETE.

Your completed application becomes the property of the Board of Behavioral Sciences and will be used by authorized personnel to determine your eligibility for approval as a provider of continuing education. Information on your application may be transferred to other governmental or law enforcement agencies.

You have the right to review the records maintained on you by the Board ~~board~~ unless the records are identified as confidential information pursuant to the Public Records Act or are exempted by Section 1798.40 of the Civil Code. You may gain access to the information by contacting the Board ~~board~~ at the above address.

1. Provide a detailed description of the physical or mental disability or medical condition and an explanation as to how the disability or medical condition limits interferes with one or more major life activities, including the licensee's ability to complete 36 hours of Continuing Education through classroom/seminar attendance, home study, Internet courses over a two-year period. Please attach additional sheets, if necessary.

Approximate date disability began: _____ disability is Temporary Permanent
If temporary, approximate date licensee will be able to continue his/her Continuing Education: _____

Is licensee limited in working in his/her licensed capacity? Yes No

If yes, please explain limitations: _____

2. Attach completed "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 37A-636 (New 03/10).

3. What type of accommodation are you requesting?

Total Exception from Continuing Education Requirements – *By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the continuing education requirements due to one of the following: (a) total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.*

Request to Complete all Continuing Education Hours via Self -Study – *By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive continuing education requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you are the primary caregiver for that family member.*

4. Explain how another accommodation would allow you to comply with the continuing education requirements.

Attending Physician's/Psychologist's Name	License Number	Business Telephone	
Attending Physician's/Psychologist's Address	City	State	Zip Code

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all of the information that I have criteria stated herein and the information submitted on this form and on any accompanying attachments is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

Date

Signature of Licensee

Date

Signature of Physician/Psychologist

** Business and Professions Code Sections 4982(b) and 4992.3(b) gives the board the right to refuse issuance of any registration or license, or to suspend or revoke the registration or license of any registrant or licensee if the applicant secures the registration or license by fraud, deceit, or misrepresentation on any application for registration or licensure submitted to the board.*

(OVER)

Certifying on your renewal form that you have either completed the required hours of continuing education or been granted an exception from the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b), 4989.54 (b), 4992.3(b) and 4999.90(b).

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" exception to the Board's continuing education requirements. Submission of your social security number is voluntary. Submission of other personal information such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and

enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempt from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address and telephone number: 1625 North Market Blvd., Suite S-200, Sacramento, CA 95834 or (916) 574-7830.

~~**Section 1887.2(c) of the California Code of Regulations outlines three reasons for which the board will grant exception and the board's procedure for processing these requests.**~~

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a written request for exception from, or reasonable accommodation for, the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (Rev 03/10) for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period. ~~The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:~~

~~(1) The Board shall grant an exception if the licensee can provide evidence, satisfactory to the board that:~~

~~(1) (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;~~

~~(2) (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or~~

~~(3) (2) The board may grant a reasonable accommodation if, During for at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee has is the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with special expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must include: be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 03/10).~~

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and~~

~~(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.~~

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept any documentation establishing the validity of your request, including military orders that demonstrate service outside California, or a passport or visa showing the dates you resided ~~out-of-country~~ out of the country, ~~a doctor's note, etc.~~ The Board may accept a written statement from your physician or psychologist in lieu of completing Part 2, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, ~~2006-2012~~, and you are going to live out of the country from May ~~2005-2011~~ through November ~~2006-2012~~, you can submit your request for exception due to living out of the country anytime after May ~~2006~~ 2012.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. ***Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

If you have any questions, please contact the board's CE program at (916) 574-7830.

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54, 4989.34, 4996.22 and 4999.76 and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a “good cause” exception to the Board’s continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a request for exception from or reasonable accommodation for the continuing education requirement, on a form entitled “Request for Continuing Education Exception,” Form No. 1800 37A-635 (Revised 03/10), for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee within thirty (30) working days after the receipt of the request for exception or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

- (1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
 - (A) For at least one year during the licensee’s previous license renewal period the licensee was absent from California due to military service; or,
 - (B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country.
- (2) The board may grant a reasonable accommodation if, for at least one year during the licensee’s previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception –Verification of Disability or Medical Condition,” Form No. 1800 37A-636 (New 03/10).

How to Request Exception

To request an exception, complete the form on the reverse side and submit it to the board, along with sufficient proof. The board will accept documentation establishing the validity of your request, including military orders that demonstrate service outside California or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board’s review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2011, and you are going to live out of the country from May 2010 through November 2011, you can submit your request for exception due to living out of the country any time after May 2011.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. **Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in an active status. The Board must receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.**

If you have any questions, please contact the Board’s CE program at (916) 574-7830.

Senate Bill No. 788

CHAPTER 619

An act to amend Sections 728 and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, relating to professional clinical counselors.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 788, Wyland. Licensed professional clinical counselors.

Existing law provides for the licensure and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Under existing law, the board consists of 11 members.

This bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the board and would add 2 additional members to the board, to be appointed by the Governor, as specified. The bill would enact various provisions concerning the practice of licensed professional clinical counselors, interns, and clinical counselor trainees, including, but not limited to, practice requirements and enforcement specifications. The bill would authorize the board to begin accepting applications for intern registration on January 1, 2011, and for licensure examination eligibility on January 1, 2012, but would authorize the board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011, and June 30, 2011. The bill would authorize the board to impose specified fees on licensed professional clinical counselors and interns, which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill. The bill would require that the startup costs of the program be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the 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.

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

SECTION 1. Section 728 of the Business and Professions Code is amended to read:

728. (a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapist. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

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

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

(3) "Intimate part" and "touching" have the same meaning as defined in subdivisions (f) and (d), respectively, of Section 243.4 of the Penal Code.

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

SEC. 2. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of the following members:

(1) Two state licensed clinical social workers.

(2) One state licensed educational psychologist.

(3) Two state licensed marriage and family therapists.

(4) Commencing January 1, 2012, one state licensed professional clinical counselor.

(5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in his or her profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Speaker of the Assembly or the Senate Committee on Rules shall hold office until the appointment and qualification of his or her successor or until one year from the expiration date of the term for which he or she was appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of his or her successor or until 60 days from the expiration date of the term for which he or she was appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 3. Chapter 16 (commencing with Section 4999.10) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 16. LICENSED PROFESSIONAL CLINICAL COUNSELORS

Article 1. Administration

4999.10. This chapter constitutes, and may be cited as, the Licensed Professional Clinical Counselor Act.

4999.11. In enacting this chapter, the Legislature recognizes that licensed professional clinical counselors practice a separate and distinct profession from the professions practiced by licensed marriage and family therapists and licensed clinical social workers. As such, the Legislature recognizes the need to appropriately test licensed marriage and family therapists and licensed clinical social workers seeking to become licensed professional clinical counselors on the difference in practice between the professions.

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.

(c) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary and Vocational Education at the time of the applicant's graduation from the school, college, or university.

(d) “Applicant” means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern.

(e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) “Intern” means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) “Approved supervisor” means an individual who meets the following requirements:

(1) Has documented two years of clinical experience as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) Has received professional training in supervision.

(3) Has not provided therapeutic services to the clinical counselor trainee or intern.

(4) Has a current and valid license that is not under suspension or probation.

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

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

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

(l) “Research” means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) “Supervision” includes the following:

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

(2) Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the clinical counselor trainee.

(3) Monitoring and evaluating the ability of the intern or clinical counselor trainee to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Ensuring compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(5) That amount of direct observation, or review of audio or videotapes of counseling or therapy, as deemed appropriate by the supervisor.

4999.14. 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, and the public.

(b) Develop policies and procedures to assist educational institutions in meeting the educational qualifications of Sections 4999.32 and 4999.33.

Article 2. Scope of Practice

4999.20. (a) (1) “Professional clinical counseling” means the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems. “Professional clinical counseling” includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed, rational decisions.

(2) “Professional clinical counseling” is focused exclusively on the application of counseling interventions and psychotherapeutic techniques for the purposes of improving mental health, and is not intended to capture other, nonclinical forms of counseling for the purposes of licensure. For purposes of this paragraph, “nonclinical” means nonmental health.

(3) “Professional clinical counseling” does not include the assessment or treatment of couples or families unless the professional clinical counselor has completed all of the following additional training and education, beyond the minimum training and education required for licensure:

(A) One of the following:

(i) Six semester units or nine quarter units specifically focused on the theory and application of marriage and family therapy.

(ii) A named specialization or emphasis area on the qualifying degree in marriage and family therapy; marital and family therapy; marriage, family, and child counseling; or couple and family therapy.

(B) No less than 500 hours of documented supervised experience working directly with couples, families, or children.

(C) A minimum of six hours of continuing education specific to marriage and family therapy, completed in each license renewal cycle.

(4) “Professional clinical counseling” does not include the provision of clinical social work services.

(b) “Counseling interventions and psychotherapeutic techniques” means the application of cognitive, affective, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and maladjustment that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use a variety of counseling theories and approaches.

(c) “Assessment” means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual’s attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. “Assessment” shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

4999.22. (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 Marriage and Family Therapy licensing laws.

(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 or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

4999.24. Nothing in this chapter shall restrict or prevent activities of a psychotherapeutic or counseling nature on the part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or clinical counselor trainees pursuing a course of study leading to a degree that qualifies for professional clinical counselor licensure at an accredited or state-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as “clinical counselor trainee” or other title clearly indicating the training status appropriate to the level of training.

Article 3. Licensure

4999.30. Except as otherwise provided in this chapter, a person shall not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and shall pay the license fee required by this chapter.

4999.32. (a) This section shall apply to applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and complete 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 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.

(1) 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, or the equivalent, 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) 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.

(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. 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.

(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.

4999.33. (a) This section shall apply to the following:

(1) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for examination eligibility or registration who begin graduate study on or after August 1, 2012.

(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 (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), 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 all 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, group 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 California law and professional ethics for professional clinical counselors, 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.

(J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

(K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.

(L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.

(M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, 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) Professional writing including documentation of services, treatment plans, and progress notes.

(I) How to find and use resources.

(J) Other recognized counseling interventions.

(K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, 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.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(9) Child abuse assessment and reporting.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), 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.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), 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.

4999.34. A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling and psychotherapy.

(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

(c) Is not a private practice.

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

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

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

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of postdegree internship hours.

(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

4999.40. (a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4999.32 or 4999.33 and shall certify to the board that it has so notified its students.

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

4999.42. (a) To qualify for registration as an intern, an applicant shall have all of the following qualifications:

(1) The applicant shall have earned a master’s or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32 shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

(2) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(3) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(b) The board shall begin accepting applications for intern registration on January 1, 2011.

4999.44. An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:

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

(b) Provides oversight to ensure that the intern’s work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

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

(d) An intern shall not be employed or volunteer in a private practice until registered as an intern.

4999.45. An intern employed under this chapter shall:

- (a) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.
- (b) Not be employed or volunteer in a private practice until registered as an intern.
- (c) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.
- (d) File for renewal annually for a maximum of five years after initial registration with the board.
- (e) Cease continued employment as an intern after six years unless the requirements of subdivision (f) are met.
- (f) When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

4999.46. (a) To qualify for licensure, applicants shall complete clinical mental health experience under the general supervision of an approved supervisor as defined in Section 4999.12.

(b) The experience shall include a minimum of 3,000 postdegree hours of supervised clinical mental health experience related to the practice of professional clinical counseling, performed over a period of not less than two years (104 weeks) which shall include:

- (1) Not more than 40 hours in any seven consecutive days.
- (2) Not less than 1,750 hours of direct counseling with individuals or groups in a clinical mental health counseling setting using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.
- (3) Not more than 500 hours of experience providing group therapy or group counseling.
- (4) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.
- (5) Not less than 150 hours of clinical experience in a hospital or community mental health setting.
- (6) Not more than a combined total of 1,250 hours of experience in the following related activities:
 - (A) Direct supervisor contact.
 - (B) Client centered advocacy.
 - (C) Not more than 250 hours of experience administering tests and evaluating psychological tests of clients, writing clinical reports, writing progress notes, or writing process notes.
 - (D) Not more than 250 hours of verified attendance at workshops, training sessions, or conferences directly related to professional clinical counseling that are approved by the applicant's supervisor.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling. At no time shall a supervisor supervise more than two interns.

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

(1) No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) An intern shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) 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 up to 30 hours of the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

4999.47. (a) Clinical counselor trainees, interns, and applicants shall perform services as an employee or as a volunteer, not as an independent contractor.

The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers.

(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

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

(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work

setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.

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

4999.48. The board shall adopt regulations regarding the supervision of interns 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.

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

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

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

(3) He or she provides evidence of a passing score, as determined by the board, on examinations designated by the board pursuant to Section 4999.52.

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

(c) The board shall begin accepting applications for examination eligibility on January 1, 2012.

4999.51. To qualify for licensure as a professional clinical counselor or registration as an intern, applicants shall meet the board's regulatory

requirements for professional clinical counselor licensure or intern registration, as applicable, including the following:

(a) The applicant has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

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

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

(1) The board shall direct applicants to electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state and federal level convictions and arrests and information as to the existence and content of a record of state or federal level arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

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

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

(4) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to paragraph (1).

(5) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

4999.52. (a) Except as provided in Sections 4999.54 and 4999.56, every applicant for a license as a professional clinical counselor shall be examined by the board. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

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

(c) (1) It is the intent of the Legislature that national licensing examinations, such as the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Examination (NCMHCE), be evaluated by the board as requirements for licensure as a professional clinical counselor.

(2) The board shall evaluate various national examinations in order to determine whether they meet the prevailing standards for the validation and use of licensing and certification tests in California.

(3) The Department of Consumer Affairs' Office of Professional Examination Services shall review the occupational analysis that was used for developing the national examinations in order to determine if it adequately describes the licensing group and adequately determines the tasks, knowledge, skills, and abilities the licensed professional clinical counselor would need to perform the functions under this chapter.

(4) Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.

(5) If national examinations do not meet the standards specified in paragraph (2), the board may require a passing score on either of the following:

(A) The national examinations plus one or more board-developed examinations.

(B) One or more board-developed examinations.

(6) The licensing examinations shall also incorporate a California jurisprudence and ethics examination element that is acceptable to the board, or, as an alternative, the board may develop a separate California jurisprudence and ethics examination.

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

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

(f) If an applicant for examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the examinations, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(g) Notwithstanding Section 135, the board may deny any applicant who has previously failed an examination permission to retake that examination pending completion of the investigation of any complaints against the applicant.

(h) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

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

4999.54. (a) Notwithstanding Section 4999.50, the board may issue a license to any person who submits an application for a license between January 1, 2011, and June 30, 2011, provided that all documentation is submitted within 12 months of the board's evaluation of the application, and provided he or she meets one of the following sets of criteria:

(1) He or she meets all of the following requirements:

(A) Has a master's or doctoral degree from a school, college, or university as specified in Section 4999.32, that is counseling or psychotherapy in content. If the person's degree does not include all the graduate coursework in all nine core content areas as required by paragraph (1) of subdivision (c) of Section 4999.32, a person shall provide documentation that he or she has completed the required coursework prior to licensure pursuant to this chapter. A qualifying degree must include the supervised practicum or field study experience as required in paragraph (3) of subdivision (c) of Section 4999.32.

(i) A counselor educator whose degree contains at least seven of the nine required core content areas shall be given credit for coursework not contained in the degree if the counselor educator provides documentation that he or she has taught the equivalent of the required core content areas in a graduate program in counseling or a related area.

(ii) Degrees issued prior to 1996 shall include a minimum of 30 semester units or 45 quarter units and at least six of the nine required core content areas specified in paragraph (1) of subdivision (c) of Section 4999.32. The total number of units shall be no less than 48 semester units or 72 quarter units.

(iii) Degrees issued in 1996 and after shall include a minimum of 48 semester units or 72 quarter units and at least seven of the nine core content areas specified in paragraph (1) of subdivision (c) of Section 4999.32.

(B) Has completed all of the coursework or training specified in subdivision (e) of Section 4999.32.

(C) Has at least two years, full-time or the equivalent, of postdegree counseling experience, that includes at least 1,700 hours of experience in a clinical setting supervised by a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, a licensed physician and surgeon specializing in psychiatry, or a master's level counselor or therapist who is certified by a national certifying or registering organization, including, but not limited to, the National Board for Certified Counselors or the Commission on Rehabilitation Counselor Certification.

(D) Has a passing score on the following examinations:

(i) The National Counselor Examination for Licensure and Certification or the Certified Rehabilitation Counselor Examination.

(ii) The National Clinical Mental Health Counselor Examination.

(iii) A California jurisprudence and ethics examination, when developed by the board.

(2) Is currently licensed as a marriage and family therapist in the State of California, meets the coursework requirements described in subparagraph (A) of paragraph (1), and passes the examination described in subdivision (b).

(3) Is currently licensed as a clinical social worker in the State of California, meets the coursework requirements described in subparagraph (A) of paragraph (1), and passes the examination described in subdivision (b).

(b) (1) The board and the Office of Professional Examination Services shall jointly develop an examination on the differences, if any differences exist, between the following:

(A) The practice of professional clinical counseling and the practice of marriage and family therapy.

(B) The practice of professional clinical counseling and the practice of clinical social work.

(2) If the board, in consultation with the Office of Professional Examination Services, determines that an examination is necessary pursuant to this subdivision, an applicant described in paragraphs (2) and (3) of subdivision (a) shall pass the examination as a condition of licensure.

(c) Nothing in this section shall be construed to expand or constrict the scope of practice of professional clinical counseling, as defined in Section 4999.20.

4999.56. (a) A license issued under paragraph (1) of subdivision (a) of Section 4999.54 shall be valid for six years from the issuance date of the initial license provided that the license is annually renewed during that period pursuant to Section 4999.101. After this six-year period, it shall be canceled unless the licensee does both of the following within the next renewal period:

(1) Obtains a licensure renewal as provided in Section 4999.101.

(2) Passes the examinations required for licensure on or after January 1, 2012, as required by the board pursuant to Section 4999.52, or documents that he or she has already passed those examinations.

(b) Upon failure to meet the requirements set forth in this section, a license issued pursuant to paragraph (1) of subdivision (a) of Section 4999.54 shall be canceled and the person shall be required to meet the requirements listed in Section 4999.50 to obtain a new license.

(c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

4999.58. (a) This section applies to persons who apply for examination eligibility between January 1, 2011, and December 31, 2013, inclusive.

(b) The board may issue a license to a person who, at the time of application, has held for at least two years, a valid license 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 the education and supervised experience requirements are substantially the equivalent of this chapter, as described in subdivision

(e) and in Section 4999.46, the person complies with subdivision (b) of Section 4999.40, if applicable, the person successfully completes the examinations required by the board pursuant to paragraph (3) of subdivision (a) of Section 4999.50, and the person pays the required fees.

(c) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter and if the applicant has gained a minimum of 250 hours of supervised clinical experience in direct counseling within California while registered as an intern with the board. The board shall consider hours of experience obtained in another state during the six-year period immediately preceding the applicant's initial licensure by that state as a licensed professional clinical counselor.

(d) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, if the applicant has completed the training or coursework required under subdivision (e) of Section 4999.32, and if the applicant completes, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.32, 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, the Health Insurance Portability and Accountability Act, 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.

(e) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant's education meets the requirements of Section 4999.32. If the applicant's degree does not contain the content or the overall units required by Section 4999.32, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(1) The applicant's degree contains the required number of practicum units under paragraph (3) of subdivision (c) of Section 4999.32.

(2) The applicant remediates his or her specific deficiency by completing the course content and units required by Section 4999.32.

(3) The applicant's degree otherwise complies with this section.

(f) This section shall become inoperative on January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2014, deletes or extends that date.

4999.60. (a) This section applies to persons who are licensed outside of California and apply for examination eligibility on or after January 1, 2014.

(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 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 4999.62.

(2) The applicant complies with subdivision (b) 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.

(4) The applicant passes the examinations required to obtain a license under this chapter.

4999.61. (a) This section applies to persons who apply for examination eligibility or registration on or after January 1, 2014, and who do not hold a license as described in Section 4999.60.

(b) The board shall accept education gained while residing outside of California for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (b) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

4999.62. (a) This section applies to persons who apply for examination eligibility or registration on or after January 1, 2014.

(b) For purposes of Sections 4999.60 and 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, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

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

(2) The applicant completes any units and course content requirements under Section 4999.33 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in behavioral addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (K) of paragraph (1) of subdivision (c) of Section 4999.33.

(4) The applicant completes, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33, 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, the Health Insurance Portability and Accountability Act, 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.

Article 4. Practice Requirements

4999.70. A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

4999.72. Any licensed professional clinical counselor who conducts a private practice under a fictitious business name shall not use any name that is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

4999.74. Licensed professional clinical counselors shall provide to each client accurate information about the counseling relationship and the counseling process.

4999.76. (a) (1) Except as provided in paragraph (2) and subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

(2) Except as provided in subdivision (c), the board shall not renew a license issued pursuant to paragraph (1) of subdivision (a) of Section 4999.54 unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 18 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding year, as determined by the board. This paragraph shall become inoperative on January 1, 2018.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for

a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that is accredited or approved, as defined in Section 4999.12. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional clinical counseling association, a licensed health facility, a governmental entity, a continuing education unit of a four-year institution of higher learning that is accredited or approved, or a mental health professional association, approved by the board.

(e) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

Article 5. Enforcement

4999.80. In order to carry out the provisions of this chapter, the board shall do all of the following:

(a) Enforce laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.

(b) Investigate complaints concerning the conduct of any licensed professional clinical counselor.

(c) Revoke, suspend, or fail to renew a license that it has authority to issue for just cause, as enumerated in rules and regulations of the board. The board may deny, suspend, or revoke any license granted under this chapter pursuant to Section 480, 481, 484, 496, 498, or 499.

4999.82. It shall be unlawful for any person to engage in any of the following acts:

(a) Engage in the practice of professional clinical counseling, as defined in Section 4999.20, without first having complied with the provisions of this chapter and without holding a valid license as required by this chapter.

(b) Represent himself or herself by the title “licensed professional clinical counselor,” “LPCC,” “licensed clinical counselor,” or “professional clinical counselor” without being duly licensed according to the provisions of this chapter.

(c) Make any use of any title, words, letters, or abbreviations, that may reasonably be confused with a designation provided by this chapter to denote a standard of professional or occupational competence without being duly licensed.

(d) Materially refuse to furnish the board information or records required or requested pursuant to this chapter.

4999.84. It is the intent of the Legislature that any communication made by a person to a licensed professional clinical counselor in the course of professional services shall be deemed a privileged communication.

4999.86. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

4999.88. In addition to other proceedings provided in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining that conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4999.90. The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has

been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

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

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

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.

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

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

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

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

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

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

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

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

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any clinical counselor trainee or intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

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

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

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

(p) Advertising in a manner that is false, misleading, or deceptive.

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

(r) Any conduct in the supervision of any intern or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established

by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a clinical counselor trainee or intern under one's supervision or control to perform, or permitting the clinical counselor trainee or intern to hold himself or herself out as competent to perform, professional services beyond the clinical counselor trainee's or intern's level of education, training, or experience.

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

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

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

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

(y) Repeated acts of negligence.

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

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

Article 6. Revenue

4999.100. (a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant shall, on or before the expiration date of the registration, 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.

4999.101. (a) A license issued under paragraph (1) of subdivision (a) of Section 4999.54 shall expire one year from the last day of the month during which it was issued.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.
- (3) Certify compliance with the continuing education requirements set forth in Section 4999.76.
- (4) 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 licensee's last renewal.

(c) The board shall begin accepting applications for licensure renewal on January 1, 2012.

(d) If a license issued under paragraph (1) of subdivision (a) of Section 4999.54 is not renewed on or before the expiration date of the license, the license shall be canceled and the person shall be required to meet the requirements set forth in Section 4999.50 in order to obtain a new license.

(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

4999.102. (a) Licenses issued under Section 4999.50, paragraph (2) or (3) of subdivision (a) of Section 4999.54, subdivision (b) of Section 4999.58, or Section 4999.60 and, on and after January 1, 2018, licenses issued under paragraph (1) of subdivision (a) of Section 4999.54 shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

- (1) Apply for a renewal on a form prescribed by the board.
- (2) Pay a two-year renewal fee prescribed by the board.
- (3) Certify compliance with the continuing education requirements set forth in Section 4999.76.
- (4) 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 licensee's last renewal.

4999.104. Licenses issued under Section 4999.50, paragraph (2) or (3) of subdivision (a) of Section 4999.54, subdivision (b) of Section 4999.58, or Section 4999.60 and, on and after January 1, 2018, licenses issued under paragraph (1) of subdivision (a) of Section 4999.54 that have expired may be renewed at any time within three years of expiration. To renew an expired license described in this section, the licensee shall do all of the following:

- (a) File an application for renewal on a form prescribed by the board.

(b) Pay all fees that would have been paid if the license had not become delinquent.

(c) Pay all delinquency fees.

(d) Certify compliance with the continuing education requirements set forth in Section 4999.76.

(e) 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 licensee's last renewal.

4999.106. A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued, except that a former licensee may apply for and obtain a new license if he or she complies with all of the following:

(a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(b) He or she takes and passes the current examinations required for licensing.

(c) He or she submits an application for initial licensure.

4999.108. A suspended license is subject to expiration and shall be renewed as provided in this article, but that renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

4999.110. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

4999.112. (a) A licensed professional clinical counselor may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall do all of the following:

(1) Pay a biennial fee of one-half of the active renewal fee.

(2) Be exempt from continuing education requirements.

(3) Not engage in the practice of professional clinical counseling in this state.

(4) Otherwise be subject to this chapter.

(b) A licensee on inactive status may have his or her license reactivated by complying with all of the following:

(1) Submitting a request to the board.

(2) Certifying that he or she has not committed any acts or crimes constituting grounds for denial of licensure.

(3) Paying the remaining one-half of the renewal fee.

(4) Completing the following continuing education requirements:

(A) Eighteen hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire less than one year from the date of the request for reactivation.

(B) Thirty-six hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire more than one year from the date of the request for reactivation.

4999.114. The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time deposit the entire amount thereof in the State Treasury for credit to the Behavioral Sciences Fund.

4999.116. (a) The moneys credited to the Behavioral Sciences Fund under Section 4999.114 shall, upon appropriation by the Legislature, be used for the purposes of carrying out and enforcing the provisions of this chapter.

(b) The board shall keep records that will reasonably ensure that funds expended in the administration of each licensing or registration category bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

(c) Surpluses, if any, may be used in a way so as to bear a reasonable relation to the revenue derived from each category, and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

4999.118. A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

4999.120. The board shall assess fees for the application for and the issuance and renewal of licenses and for the registration of interns to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

(a) The fee for the application for examination eligibility shall be up to two hundred fifty dollars (\$250).

(b) The fee for the application for intern registration shall be up to one hundred fifty dollars (\$150).

(c) The fee for the application for licensure shall be up to one hundred eighty dollars (\$180).

(d) The fee for the jurisprudence and ethics examination required by Section 4999.54 shall be up to one hundred fifty dollars (\$150).

(e) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars (\$100).

(f) The fee for the written examination shall be up to two hundred fifty dollars (\$250).

(g) The fee for the issuance of a license shall be up to two hundred fifty dollars (\$250).

(h) The fee for annual renewal of licenses issued pursuant to Section 4999.54 shall be up to one hundred fifty dollars (\$150).

(i) The fee for annual renewal of an intern registration shall be up to one hundred fifty dollars (\$150).

(j) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).

4999.122. The professional clinical counselor licensing program shall be supported from fees assessed to applicants, interns, and licensees. Startup funds to implement this program shall be derived, as a loan, from the reserve fund of the Board of Behavioral Sciences, subject to an appropriation by the Legislature in the annual Budget Act. The board shall not implement this chapter until funds have been appropriated.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.