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POLICY AND ADVOCACY COMMITTEE MEETING NOTICE

August 6, 2014

8:30 a.m.

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd., #N220
Sacramento, CA 95834

- I. Call to Order and Establishment of Quorum
- II. Introductions*
- III. Approval of the April 3, 2014 Committee Meeting Minutes
- IV. Discussion and Recommendations for Possible Rulemaking Action to Implement Senate Bill 704, Statutes of 2011, Chapter 387 – Examination Restructure
- V. Legislative Update
- VI. Suggestions for Future Agenda Items
- VII. Public Comment for Items not on the Agenda
- VIII. Adjournment

**Introductions are voluntary for members of the public*

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

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT www.bbs.ca.gov.



Governor
Edmund G. Brown Jr.

State of California

Business, Consumer Services
and Housing Agency

Department of
Consumer Affairs

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

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Policy and Advocacy Committee Minutes - *DRAFT*

April 3, 2014

Department of Consumer Affairs
1625 N. Market Blvd., #N-220
El Dorado Room
Sacramento, CA 95834

Members Present

Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Rosanne Helms, Legislative Analyst
Christy Berger, Regulatory Analyst
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

Renee Lonner, Chair, LCSW Member

Guest List

On file

I. Introductions

Dr. Christine Wietlisbach, Policy and Advocacy Committee (Committee) Acting Chair, called the meeting to order at 9:05 a.m. Christina Kitamura took roll, and a quorum was established.

The Committee, Board staff, and meeting attendees introduced themselves

Dr. Wietlisbach announced that the following items would not be discussed: III.e., III.f., III.j.

II. Approval of the February 6, 2014 Committee Meeting Minutes

Correction made on page 11, line 50: add "as the child's therapist" to the end of the sentence.

Christina Wong moved to approve the Policy and Advocacy Committee minutes as amended. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

III. Discussion and Recommendations for Possible Action Regarding Pending Legislation

a. Assembly Bill 1702 (Maienschein) - Professions and Vocations: Incarceration

AB 1702 would:

- Prohibit a board under the Department of Consumer Affairs (DCA) from denying or delaying an application solely on the grounds that the applicant was incarcerated, and

- 1 • Allow for delay in processing, or denial of licensure, if the incarceration was for a crime
2 substantially related to the qualifications, functions, or duties of the business or
3 profession.

4 Current law permits a board to deny a license on the grounds that the applicant has been
5 convicted of a crime, only if the crime is substantially related to the qualifications of the
6 profession for which they are applying for licensure. A crime is substantially related to the
7 qualifications, functions, or duties of a person holding a license if to a substantial degree it
8 evidences present or potential unfitness of a person to perform the functions authorized by
9 his or her license in a manner consistent with public health, safety, or welfare.

10
11 The author's office is running this bill in an effort to reduce crime and reward rehabilitation.
12 The author notes studies that show if an inmate learns vocational skills in prison, he or she
13 is less likely to re-offend upon release. However, if the inmate learns vocational skills that
14 require a license, he or she often must wait longer to receive a license, because the law
15 allows licensing boards to impose licensing restrictions on those who have criminal
16 convictions.

17
18 The author's office cites a problem with the law giving licensing boards the power to
19 impose additional restrictions on those who have been convicted of a crime. However, the
20 Board may only do this if the conviction is substantially related to the practice of the
21 profession. This bill does not remove the provision that discipline can be taken if the
22 conviction was substantially related to the profession.

23
24 This bill prohibits a board from delaying the processing of an application based on the fact
25 that the applicant was incarcerated. All applicants with a conviction or other disciplinary
26 action are automatically routed to the Board's Enforcement Unit for further investigation.
27 For these applicants, there will be a delay because additional staff time is needed to
28 determine if the crime was substantially related and to determine if disciplinary measures
29 are necessary. Delays due to the enforcement process can vary from weeks to several
30 months, depending on the complexity of the case.

31
32 Dr. Wietlisbach stated that the Board does not deny licensure because the applicant has
33 been incarcerated. The applicant can be denied if the crime was substantially related to
34 the profession; however, the bill does not address that. There is an inherent delay in
35 processing because the Board is mandated to ensure consumer protection.

36
37 Janlee Wong, National Association of Social Workers California Chapter (NASW-CA),
38 asked if this would create more workload for Board staff. Kim Madsen confirmed that this
39 would create a need for more staff.

40
41 ***Christina Wong moved to recommend to the Board to oppose AB 1702.***
42 ***Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to***
43 ***pass the motion.***
44

45 **b. Assembly Bill 2058 (Wilk) - Open Meetings**

46 AB 2058 would make an advisory body consisting of less than three members subject to
47 the Bagley-Keene Open Meeting Act if the body is a standing committee with a continuing
48 subject matter jurisdiction or a has a meeting schedule fixed by formal action of a state
49 body.

50
51 Current law:

- 52 • Establishes the Bagley-Keene Open Meeting Act, which requires that actions and
53 deliberations of state agencies be conducted openly, and defines a state body as an

1 advisory board, commission, committee, or subcommittee that consists of three or
2 more persons and is created by formal action by the state body or any of its members.

- 3 • Requires that all meetings be open and all members of the public permitted to attend.
- 4 • Requires a state body to provide notice, which includes an agenda for that meeting, at
5 least 10 days prior to the meeting.

6
7 This bill revises the definition of a state body subject to the Bagley-Keene Open Meeting
8 Act. Under the proposed change, an advisory body consisting of less than three members
9 would be subject to Bagley-Keene if they are standing committees with a continuing
10 subject matter jurisdiction or a meeting schedule fixed by formal action of a state body.

11
12 Current law allows standing committees of a state entity to hold closed door meetings as
13 long as they contain fewer than three members and do not vote to take action on items of
14 discussion. The author's office is concerned that some state agencies are conducting
15 meetings with two or fewer members specifically to avoid open meeting requirements.
16 The author notes it is the intent of the Legislature and the public for government to conduct
17 its business visibly and transparently.

18
19 Local government entities must abide by the Brown Act, which is an open meeting act
20 similar to Bagley-Keene. In the early 1990s, the Brown Act contained a similar allowance
21 as Bagley-Keene. The Brown Act was corrected as soon as the Legislature discovered it;
22 however, a conforming change was not made to the Bagley-Keene Act at that time.

23
24 The Board commonly utilizes two-member standing committees to address issues
25 requiring in-depth discussion and analysis. The intent is to create an environment that
26 encourages discussion and sharing of ideas between Board members, staff, and
27 interested stakeholders, which may eventually be used to generate a legislative or
28 regulatory proposal. No votes are taken at these meetings; any action must be approved
29 by the Board at a Board meeting.

30
31 If this bill is signed by the Governor, it will become effective immediately.

32
33 ***Christina Wong moved to recommend to the Board to support AB 2058.***
34 ***Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to***
35 ***pass the motion.***

36
37 **c. Assembly Bill 2165 (Patterson) - Professional Vocations: Licenses**

38 AB 2165 would:

- 39 • Require licensing boards to review licensing applications within 45 days of the filing
40 date.
- 41 • Require the licensing board to issue the license within the same 45-day period if the
42 applicant has satisfied all requirements for licensure.
- 43 • Require a licensing board to offer each required examination a minimum of six times
44 per year.

45
46 The author's office introduced this bill because professional and vocational applicants are
47 currently experiencing major delays in licensure application processing times. They are
48 also concerned that several professions do not allow for testing upon graduation from
49 school. Instead, the applicant must wait for their application to be processed before he or
50 she obtains approval to take the test.

1 The purpose of this bill is to decrease application processing delays so that applicants are
2 not forced to be unemployed while waiting for their application process to be completed.

3
4 The Board is currently experiencing significant backlogs in license processing times. This
5 is due to several factors, including mandatory furloughs and hiring freezes that took place
6 over the last several years, an increase in the licensing population, and the introduction of
7 the new licensed professional clinical counselor (LPCC) license type.

8
9 The Board staff is beginning to recover from these setbacks and is attempting to reduce
10 the current backlog. Furloughs and hiring freezes are no longer in effect, and the LPCC
11 program has been implemented. However, recovering from the effects of the furloughs
12 and hiring freezes will not happen immediately.

13
14 The Governor's 2014-2015 budget includes eight additional positions for the Board's
15 licensing and enforcement units. The Board has been authorized to hire seasonal help as
16 well. DCA recently granted the Board's request to hire some of the 8 authorized positions
17 early, before the 2014-2015 budget takes effect. The newly authorized positions in the
18 licensing unit are expected to be in place shortly.

19
20 Any requirements placed upon the Board specifying time frames to process applications
21 are problematic because the flow of applications is never constant. This would require an
22 increased number of positions to meet the processing time requirement, as well as a
23 guarantee that those positions could be replaced regardless of the economic condition of
24 the state.

25
26 The author's office notes the intent of this bill is to allow all applicants to test upon
27 graduation from an accredited school. However, this is not consistent with the Board's
28 licensing process, which requires applicants for each of the Board's license types to
29 complete supervised post-graduate experience before taking an examination. Allowing
30 testing prior to all qualifications for licensure being met exposes confidential material on
31 licensing exams to potentially unqualified applicants. Although allowing testing upon
32 graduation is a stated intent, the bill does not require it at this time.

33
34 This bill requires licensing boards to offer required licensing exams a minimum of six times
35 per year. This requirement will not affect the Board's testing process.

36
37 The Board does require a 180-day waiting period between re-exams to ensure candidates
38 do not take the same version of the exam twice.

39
40 Ms. Wong expressed that 45 days is impossible due to the licensing process and
41 considering the additional process if an applicant has a criminal background.

42
43 ***Christina Wong moved to recommend to the Board to oppose AB 2165.***
44 ***Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to***
45 ***pass the motion.***

46
47 **d. Assembly Bill 2198 (Levine) - Mental Health Professionals: Suicide Prevention**
48 **Training**

49 AB 2198 would:

- 50
51
- Require a mental health professional, commencing January 1, 2015, to complete a training program in suicide assessment, treatment, and management.
 - Require this training to be administered by the relevant board or state entity responsible for licensure and regulation of the mental health professional.
- 52
53

- 1 • State that a “mental health professional” includes, but is not limited to, a psychologist,
2 marriage and family therapist, and clinical social worker.
- 3 • Require DCA to conduct a study evaluating the effect of evidence-based suicide
4 assessment, treatment and management training on the ability of licensed health care
5 professionals to identify, refer, treat, and manage patients with suicidal ideation.
6

7 The intent of this bill is to ensure mental health professionals have concentrated training in
8 suicide assessment, treatment, and management. In 2008, over 36,000 people died by
9 suicide in the U.S. making it the 10th leading cause of death nationally. Several
10 organizations have indicated a need for improved education and training in suicide
11 assessment.
12

13 There is currently no specific requirement that a licensee of the Board must have
14 coursework in his or her degree, or complete continuing education (CE), which covers
15 suicide assessment. However, the Board’s LPCC licensees have “crisis intervention”
16 specifically listed in their scope of practice. They are required to complete coursework in
17 crisis or trauma counseling.
18

19 The Board has several one-time CE requirements that must be completed by its LMFT,
20 LCSW, and LPCC licensees. These additional courses must be completed prior to
21 licensure or at the first renewal, depending on when the applicant began graduate study.
22 These courses are as follows:

- 23 • Spousal/partner abuse (7 hours);
- 24 • Human Sexuality (10 hours);
- 25 • Child Abuse (7 hours);
- 26 • Substance Abuse (15 hours);
- 27 • Aging/long term care (3 hours); and
- 28 • HIV/AIDS (7 hours)

29
30 All licensees must take a six-hour law and ethics course every renewal period. In total, a
31 licensee must complete 36 hours of CE every renewal period.
32

33 This bill requires the suicide assessment course to be administered by the board or state
34 entity responsible for the licensure and regulation of the mental health professional. This
35 implies that the Board itself must develop and offer the course to its licensees. The Board
36 does not currently develop and administer required coursework, and does not have the
37 resources and expertise to do so.
38

39 As written, a mental health professional subject to the training requirement “includes, but is
40 not limited to” a psychologist, a marriage and family therapist (MFT), and a clinical social
41 worker. The Board also licenses LPCCs and educational psychologists, both of which are
42 mental health professionals.
43

44 Staff recommends that the bill be amended to list all types of mental health professionals;
45 otherwise, it is unclear to licensees and Board staff exactly which licenses are subject to
46 the requirement.
47

48 Currently, the bill does not specify the length of the required course. Typically, coursework
49 requirements specify a certain number of units or hours, so that it is clear to applicants,
50 licensees, and Board evaluators if the requirement is met.
51

52 Staff recommends adding a compliance date by which licensees must complete this newly
53 required coursework. It is unclear when this coursework must be completed. A phase in

1 date is recommended, so that licensees have sufficient time to find and complete a
2 course.

3
4 The bill requires that DCA submit a study to the Legislature by January 1, 2016 that
5 evaluates the effect of the training on the ability of licensees to identify, refer, treat, and
6 manage suicidal patients. The Board does not have the technical expertise to conduct this
7 type of study.

8
9 Ms. Helms stated that this bill may change.

10
11 Victor Ojakian, a mental health advocate, provided some statistics. Data from a study
12 conducted in California shows that deaths related to suicide are increasing in California.
13 Non-fatal injuries are also significant in California. At least 40% of people who committed
14 suicide were receiving mental health treatment. Adult individuals represented the largest
15 category of individuals who committed suicide.

16
17 Mr. Ojakian stated that the intent is to guarantee that the mental health professional, who
18 is treating an individual at risk of hurting himself/herself, has this training.

19
20 Ms. Wong stated that the ongoing education in suicide prevention is very important. The
21 question is how to integrate this into the licensing process.

22
23 Ms. Madsen expressed concern because the Board is moving away from the CE approval
24 business and was also concerned about implementation.

25
26 Dean Porter, California Association for Licensed Professional Clinical Counselors
27 (CALPCC), asked if this coursework is proposed as a one-time requirement. Ms. Helms
28 responded that as it is proposed, it is a one-time requirement. Suicide prevention is not
29 covered in LPCCs crisis and trauma coursework.

30
31 Jill Epstein, California Association of Marriage and Family Therapy (CAMFT), expressed
32 concern regarding adding another course to the list of courses already required.

33
34 Mr. Wong, NASW-CA, shares CAMFT's concerns. NASW-CA supports the concept.
35 However, there is a vast difference between the 2-day course and the 6-hour course. Mr.
36 Wong explained that suicide is very complex, and he does not believe that a 6-hour course
37 will cover the subject matter appropriately. There are problems with the bill as written;
38 therefore, NASW-CA does not support the bill.

39
40 Dr. Wietlisbach suggested watching this bill as it evolves.

41
42 Ms. Wong agreed with Dr. Wietlisbach and expressed that she can offer feedback
43 regarding the course content.

44
45 ***Christina Wong moved to recommend to the Board to watch AB 2198 and direct***
46 ***staff to provide technical assistance to the bill sponsor. Dr. Christine Wietlisbach***
47 ***seconded. The Committee voted unanimously (2-0) to pass the motion.***

48
49 **e. Assembly Bill 2374 (Mansoor) – Substance Abuse: Recovery and Treatment**
50 **Services**

51 *Not discussed.*

52
53 **f. Assembly Bill 2598 (Hagman) – DCA Administrative Expenses**

54 *Not discussed.*

1 **g. Senate Bill 909 (Pavely) – Dependent Children: Health Screenings**

2 This bill makes it clear in law that a social worker may authorize an initial medical, dental,
3 and mental health screening for a child taken into temporary custody by a county welfare
4 agency due to an immediate danger.

5
6 Current law:

- 7
- 8 • Requires that when a minor is taken into temporary custody due to an immediate
9 danger, the social worker may authorize the performance of medical, surgical, dental,
10 or other remedial care only if recommended by the attending physician and surgeon or
11 dentist, and if the parent or guardian is notified and does not object.
 - 12 • Provides that if the parent or guardian is notified and objects to the care, the care shall
13 only be given if the court orders it.
 - 14 • Provides that if a child is placed under the supervision of a social worker and there is
15 no parent or guardian available to authorize medical, surgical, dental or other remedial
16 care, that the court may order that the social worker may authorize the care.
 - 17 • Provides that if a child taken into temporary custody appears to require immediate
18 medical, surgical, or remedial care in an emergency situation, the care may be
19 provided by a licensed physician and surgeon, or a licensed dentist, if applicable,
20 without a court order upon authorization of a social worker.

21 SB 909 does the following:

- 22
- 23 • Allows a social worker to authorize an initial medical, dental, and mental health
24 screening for a child taken into temporary custody due to an immediate danger. The
25 screening may be prior to the required detention hearing, and may be for any of the
26 following reasons:
 - 27 a. To determine if the child has an urgent medical, dental, or mental health need
28 requiring immediate attention;
 - 29 b. To determine if the child poses a health risk to others; and
 - 30 c. To determine an appropriate placement to meet the child’s medical and mental
31 health care needs identified in the initial health screening.
 - 32 • Adds mental health care to the types of care that can be authorized for a child taken
33 into temporary custody.

34
35 The author’s office states that there is no clear statutory authority for a social worker to
36 provide consent for initial health screenings when a child is taken into temporary custody
37 by a county welfare agency. Such screenings are important because these children
38 sometimes have health conditions that may not be immediately evident to the social
39 worker. The purpose of this bill is to grant social workers authority to provide consent to
40 initial health screenings so that health issues can be identified.

41
42 Dr. Wietlisbach supports the concept of the bill. However, she questioned whether the
43 term “social worker” was intended to include licensed clinical social workers. Ms. Wong
44 clarified that this bill pertains to the county agency social workers.

45
46 Ms. Madsen noticed that the term “licensed” was stricken from the term “licensed clinical
47 social worker” with the bill’s language.

48
49 Mr. Wong, NASW-CA, shares the Committee’s concern. NASW-CA supports the concept,
50 but is concerned about “who” the bill refers to. NASW-CA is concerned about a person

1 without a college education or an undergraduate education making a determination to
2 authorize mental health or medical treatment. The bill does not provide that the person
3 authorizing treatment must have some type of education.
4

5 Ms. Dobbs referred to Section 369(3)(k) of the Welfare and Institutions Code. It states that
6 the term “mental health provider” has the same meaning as defined in Section 865(a) of
7 the Business and Professions Code (BPC). Ms. Dobbs read the BPC definition, which
8 included “licensed clinical social worker” as a mental health provider.
9

10 Ms. Wong expressed that when looking at the needs of a child who has experienced a
11 crisis or traumatic experience, treatment for that child can be stabilizing.
12

13 Dr. Wietlisbach expressed that she wants to ensure that children are getting the medical or
14 mental health treatment that they need.
15

16 Mr. Wong responded that there should be a professional person making these decisions,
17 and that should be written in the language. Dr. Wietlisbach responded that the person
18 providing the treatment would be a mental health provider – a licensed individual – as
19 pointed out by the definition in the BPC.
20

21 Ms. Dobbs explained that there is a short period of time in which a child is removed from
22 the home and is waiting to come before the court to determine if the removal was
23 appropriate and if protection of the child is warranted. During that period of time, the child
24 may not receive care that is immediately necessary.
25

26 ***Christina Wong moved to recommend to the Board to support SB 909. Dr. Christine***
27 ***Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.***
28

29 **h. Senate Bill 1012 (Wyland) – Marriage and Family Therapists: Trainees**

30 Current law allows an MFT intern to count no more than 5 hours of supervision gained per
31 week toward the 3,000 hours of experience required for licensure. This bill would remove
32 the 5-hour supervision limitation.
33

34 SB 1012 does the following:

- 35 • Requires an applicant for licensure as a marriage and family therapist (LMFT) to
36 complete a minimum of 3,000 hours of supervised experience over a period of at least
37 104 weeks.
- 38 • Allows no more than 40 hours of supervised experience to be obtained in any seven
39 consecutive days.
- 40 • Allows no more than a combined total of 1,000 hours of the required supervised
41 experience to be direct supervisor contact and professional enrichment activities.
- 42 • Requires supervision to include at least one hour of direct supervisor contact for each
43 week for which experience is credited in each work setting.
- 44 • Defines “one hour of direct supervisor contact” as one hour per week of face-to-face
45 contact on an individual basis, or two hours per week of face-to-face contact in a
46 group.
- 47 • Requires an intern to receive at least one additional hour of direct supervisor contact
48 for every week in which more than 10 hours of client contact is gained in each setting.
- 49 • Allows no more than 5 hours of supervision, whether individual or group supervision, to
50 be credited toward the required experience hours in any one week.

- Requires the applicant to have a minimum of 52 weeks of supervised experience in which at least one supervised hour was individual, face-to-face supervision.

Currently, MFT interns are limited to counting five hours of supervision per week toward their required experience hours for licensure. MFT interns are working in a number of settings simultaneously in order to gain the experience hours required for licensure. Interns working in multiple settings may be required by law to have more than five supervised hours per week. Therefore, these individuals may be required to obtain some hours of supervision that they cannot count.

CAMFT notes that many worksites are only offering their interns group supervision. Therefore, an intern may easily be required to have more than 5 hours of supervision, as one unit of supervision equals two hours of supervision in a group.

For experience gained prior to January 1, 2010, the law required an intern to receive an average of at least one unit of direct supervisor contact for every 10 hours of client contact in each setting.

Current law limits hours of direct supervisor contact and professional enrichment activities to a combined total of no more than 1,000 hours. Of these 1,000 hours, no more than 550 may be professional enrichment activities. The Board's LMFT evaluator reports that most applicants are already at or very close to this 1,000 hour limit.

The Board has formed the Supervision Committee (Committee), which is tasked with conducting an in-depth review of the requirements for supervised work experience and the requirements for supervisors. The first meeting of the Committee is April 4, 2014.

The title of this bill, "Marriage and Family Therapists: Trainees" may need to be revised. The changes proposed by this bill would affect interns, not trainees.

Ms. Wong would prefer to wait for the Supervision Committee to address this issue because this is only one part of the bigger picture.

Ms. Madsen agreed with Ms. Wong. However, CAMFT wants this issue addressed immediately. Ms. Madsen feels that 6 hours would be reasonable if the Board wants to increase the limit.

Dr. Wietlisbach asked Ms. Espstein if CAMFT can wait since the Supervision Committee will be discussing these issues.

Ms. Epstein responded no, and that CAMFT's desire is to increase the limit above 6 hours, not to eliminate the requirement.

Christina Wong moved to recommend to the Board to watch the bill and direct staff to work with CAMFT. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.

i. Senate Bill 1148 (Yee) – Marriage and Family Therapists: Records Retention

SB 1148 would require an LMFT to retain a patient's records for a minimum of seven years from the date that therapy is terminated. It would also require an LMFT to retain a minor patient's records for a minimum of seven years from the date the patient reaches age 18.

1 This bill seeks to clarify the length of time an LMFT must retain his or her patient records.
2 There is no state or federal law that requires LMFTs to keep patient records for a specified
3 length of time. This results in non-standardized record retention among LMFTs, and
4 opens these licensees up to the possibility of inconsistent expectations of record retention
5 from the Board and the court system.
6

7 The Board's enforcement statute of limitations requires an accusation be filed within three
8 years from the date of Board discovery, or within seven years of the act occurring,
9 whichever occurs first.

10 The current law sets the following statutes of limitations for enforcement actions:

- 11 • There is no statute of limitations for an allegation that a license was obtained by fraud
12 or misrepresentation.
- 13 • An accusation alleging sexual misconduct must be filed within three years from the
14 date of Board discovery, or within ten years of the act occurring, whichever occurs first.
15 However, if certain acts of sexual contact with a minor are alleged after the statute of
16 limitations expires, an accusation shall be filed within three years of the date of Board
17 discovery if there is independent evidence corroborating the allegation.
- 18 • Provides that if the act involves a minor, the seven- and ten-year limitations discussed
19 above are tolled until the minor reaches age 18.
20

21 Allegations of a license obtained by fraud (no statute of limitations) or sexual misconduct
22 (potential ten-year statute of limitations, which may be longer for minors in certain
23 circumstances) could potentially have statutes of limitations which exceed the seven-year
24 recordkeeping requirement. However, according to Board's Enforcement Unit, the
25 treatment records are not used when proving cases of fraud or sexual misconduct.
26

27 Ms. Madsen suggested adding other professions to the bill. Ms. Epstein agreed.
28

29 Mr. Wong, NASW-CA, supports the bill; however, he wants to clarify that licensees are not
30 required to destroy records after a specified number of years.
31

32 Christina Wong moved to recommend to the Board to support SB 1148 if amended to
33 include other license types. Dr. Christine Wietlisbach seconded. The Committee voted
34 unanimously (2-0) to pass the motion.
35

36 A meeting attendee indicated that she does not know how this will affect Licensed
37 Educational Psychologists (LEP). She stated that she will look into it and get back to the
38 Committee.
39

40 Ms. Wong rescinded her motion.
41

42 ***Christina Wong moved to recommend to the Board to support AB 1148 and request***
43 ***the author to consider including other license types. Dr. Christine Wietlisbach***
44 ***seconded. The Committee voted unanimously (2-0) to pass the motion.***
45

46 The Committee took a break at 11:06 a.m. and reconvened at 11:22 a.m.
47

48 **j. Senate Bill 1256 (Mitchell) – Medical Services: Credit**
49

50 *Not discussed.*
51

1 **IV. Discussion and Recommendations for Possible Action Regarding Other Pending**
2 **Legislation Affecting the Board**

3 Ms. Helms presented AB 1505, Child Abuse: Mandated Reports. This bill would specify that
4 consensual acts of sodomy and oral copulation are not acts of sexual assault that must be
5 reported by a mandated reporter, unless one party is over age 21 and the other is under age
6 16.

7
8 Existing law:

- 9 • Establishes the Child Abuse and Neglect Reporting Act (CANRA), which requires a
10 mandated reporter to make a report in instances in which he or she knows or reasonably
11 suspects that a child has been the victim of child abuse or neglect.
- 12 • Defines “sexual abuse” as sexual assault or exploitation consisting of any of the following:
13 rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child,
14 oral copulation, sexual penetration, or child molestation.
- 15 • Except under certain specified circumstances, declares any person who participates in an
16 act of sodomy or oral copulation with a person under age 18 shall be punished by up to
17 one year in state prison or county jail.
- 18 • Except under certain specified circumstances, declares any person over age 21 who
19 participates in an act of sodomy or oral copulation with someone under age 16 is guilty of
20 a felony.
- 21 • States that any person age 21 or older who engages in unlawful sexual intercourse with a
22 minor under age 16 is guilty of either a misdemeanor or a felony.

23
24 The author’s office cites complaints from mandated reporters of child abuse that the current
25 reporting requirements are confusing and inconsistent. They cite current law as stating that
26 consensual sodomy and oral copulation is illegal with anyone under age 18, and that it
27 requires a mandated report under CANRA. However, consensual sexual intercourse is only
28 reportable if one person is 21 or older and the other is under age 16. The author is attempting
29 to make the law consistent by ensuring that all types of consensual activities are treated
30 equally for purposes of mandated reporting under CANRA.

31
32 The Board examined this issue last year when stakeholders expressed concern that
33 consensual oral copulation and sodomy among minors were mandated reports under CANRA,
34 while other types of consensual sexual activity were not.

35
36 Staffers at the Legislature contacted Board staff to caution that there had been past legal
37 opinions stating that this interpretation of CANRA was incorrect, and that amendments could
38 potentially have ramifications for family planning agencies.

39
40 The Board was concerned about a potential legal misinterpretation of CANRA, but saw this as
41 a valid effort. Therefore, it directed staff to obtain a legal opinion from DCA Legal Affairs.

42
43 DCA Legal Affairs found that CANRA does not require a mandated reporter to report incidents
44 of consensual sex between minors of a similar age for any actions described in Penal Code
45 Section 11165.1, unless there is reasonable suspicion of force, exploitation, or other abuse.
46 DCA also found the following based on past court cases:

- 47 • Courts have found that the legislative intent of the reporting law is to leave the distinction
48 between abusive and non-abusive sexual relations to the judgment of professionals who
49 deal with children.

- 1 • Review of other legal cases has found that the law does not require reporting of
2 consensual sexual activities between similarly-aged minors for any sexual acts unless
3 there is evidence of abuse.
4

5 The Board of Psychology recently reviewed this issue. The Board of Psychology specifically
6 asked the Attorney General (AG) to resolve the following questions:

- 7 • What instances of non-abusive sexual conduct involving minors must a mandatory
8 reporter report to child protective agencies under CANRA?
9 • Does CANRA require a distinction be made in reporting sexual conduct depending on the
10 nature of the conduct suspected?
11

12 In their request for the AG opinion, the Psychology Board included several continuing
13 education resources and guidelines that provide conflicting information.
14

15 Ms. Dobbs agreed that there is confusion, and opined that it would be best to clarify in law.
16

17 Ms. Epstein expressed that CAMFT supports AB 1505, but has some minor changes to the
18 language.
19

20 ***Christina Wong moved to recommend to the Board to support AB 1505. Dr. Christine***
21 ***Wietlisbach seconded. The Committee voted unanimously (2-0) to pass the motion.***
22

23 **V. Update Regarding Consideration of English as a Second Language as the Basis for**
24 **Additional Time to Take Board Examinations**

25 Marc Mason presented the issue regarding consideration of English as a second language
26 (ESL) as an accommodation for additional time to take Board examinations.
27

28 From at least the year 2000 up to July 2011, candidates who requested an ESL
29 accommodation were granted extra time to take the Board examinations. However, ESL is
30 not identified as a disability under the Americans with Disabilities Act (ADA).
31

32 There are two possible accommodations that the Board could make. The first option is to
33 translate the Board's exams into languages other than English. The cost to translate an
34 examination ranges from \$25,000 up to \$75,000 per exam, per language. The Board
35 currently develops 6 examinations; two different versions of each examination.
36

37 The second option is allowing candidates extra time to take the exam. This is the option the
38 Board has used in the past. If the Board did choose this option, criteria for how to decide who
39 would be granted an ESL accommodation would need to be developed and placed in
40 regulations.
41

42 The Board of Psychology uses the following guidelines to grant an ESL accommodation:

- 43 • The candidate submits proof that original entry into the United States occurred within the
44 last ten years, and
45 • Original entry into the United States did not occur prior to the candidate's beginning of
46 University session.
47

48 At its last board meeting, the Board of Psychology's staff recommended ending the ESL
49 accommodation since it is not considered a reasonable accommodation under the ADA. The
50 majority of boards and bureaus under DCA do not offer ESL accommodations.
51

1 Dr. Wietlisbach expressed concern regarding the population that speaks languages other than
2 English and requires mental health services. She asked how often the Board gets a licensure
3 candidate who practiced in another country.

4
5 Ms. Madsen responded that it is rare; schools that are overseas will not meet California
6 criteria. For those who received their degrees in the United States, it is reasonable to
7 conclude that a candidate should be proficient enough to take the examination in English.

8
9 Ms. Madsen recognizes the anxiety that ESL candidates experience in taking examinations.
10 Her challenge is establishing criteria that would be equitable, while not giving an unfair
11 advantage to any individuals.

12
13 Mr. Mason provided that a preliminary review of OPES statistics on pass rates from the time
14 when ESL accommodations were provided versus the time when ESL accommodations were
15 eliminated. The review showed that there were no difference in pass rates.

16
17 Ms. Wong agreed that test anxiety for ESL candidates exists, and perhaps just a small
18 amount of extra time would help the candidate. Ms. Wong also understands the
19 administrative issue in making the accommodation equitable.

20
21 Ms. Wong suggested setting the date of entry into the country to less than 10 years. She also
22 suggested allowing less than time-and-a-half to take the exam.

23
24 Ms. Dobbs would have to must determine that the criteria is defensible, if the Board moves
25 forward with this.

26
27 Ms. Madsen noted that there is a pool of candidates who are still trying to pass the exam and
28 received ESL accommodations in previous years. Currently, these candidates are provided
29 with those same accommodation, and they are still failing the exam with the granted ESL
30 accommodation. There is another issue going on; it is not a language issue.

31
32 Dr. Wietlisbach does not see a way in which the Board can do this in a manner that is
33 defensible.

34
35 Ms. Dobbs responded that it would be very difficult to find a way to do this in a manner that is
36 defensible.

37
38 Ms. Madsen added that a document showing date of entry into the country does not document
39 English fluency.

40
41 Mr. Mason suggested using the Test of English as a Foreign Language (TOEFL) scores as a
42 criterion. Mr. Mason will discuss this with OPES.

43
44 Ms. Madsen suggested bringing this back to the Board after staff conducts further research.
45 The Committee agreed.

46
47 **VI. Legislation Update**

48 The Board is sponsoring 3 bills: AB 2213, SB 1466, and AB 1843.

49
50 AB 2213 will adjust the LMFT and LPCC out-of-state application requirements. This bill will be
51 heard in the Business and Professions Committee On April 8th.

52
53 The Omnibus Bill was recently assigned a bill number, SB 1466. This bill provides for minor
54 technical clean-up.

55

1 AB 1843 regarding Child Custody Evaluations: Confidentiality. Ms. Helms provided some
2 information regarding this bill.

3 The Board is seeking statutory authority to access a child custody evaluation report for the
4 purpose of investigating allegations that one of its licensees, while serving as a child custody
5 evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law
6 does not give the Board direct access to the child custody evaluation report.

7
8 The Board conducted a series of stakeholder meetings in early March. At these meetings,
9 there was general consensus that licensees acting unprofessionally or unethically should be
10 subject to discipline, and that the confidentiality of the child custody evaluation reports is
11 essential. There were differing opinions on the conditions under which the report should be
12 made available.

13
14 At the stakeholder meetings, two questions were raised that Board staff is now investigating
15 with the AG's office:

- 16 1. Family Code Section 3025.5(b) states a federal or state law enforcement officer is one of
17 the parties the report may be disclosed to. The stakeholders inquired if a Division of
18 Investigation (DOI) investigator could be used to obtain the report for the boards. DOI is a
19 unit within DCA that employs peace officers for investigative purposes. The Board is
20 currently seeking guidance from the AG's office to determine if DOI investigators qualify as
21 state law enforcement for purposes of receiving the reports; and if so, if the Board could
22 legally use this report for investigative purposes and in a subsequent disciplinary action.
- 23 2. While the Board was advised by the Administrative Office of the Courts that it may not
24 legally have access to the report. The Board of Psychology has been advised that if a
25 party provides the report, they may use it in their investigation. The Board of Psychology
26 is required to use a different unit within the AG's office (Health Quality Enforcement Unit).
27 Board staff has asked the AG's office for a clarification of why this direction is not
28 consistent.

29
30 The AG's office is currently looking into these issues. While staff waits for their answers, the
31 Assembly Judiciary Committee has recommended the bill proceed with two technical clean-up
32 provisions that are needed in Family Code Sections 3111 and 3025.5:

- 33 1. Add a cross reference to Section 3111 regarding "who" may have access to the child
34 custody evaluator's report, so that it is clear that the parties in specified in Section 3025.5
35 may have access to the report.
- 36 2. Amend Section 3025.5 to delete a reference that no longer exists.

37
38 If the AG's office advises that DOI investigators may access the report as state law
39 enforcement officers, it is possible that no further amendments are needed, or the AG's office
40 may suggest clarifying amendments. If the AG's office determines DOI investigators may not
41 access the reports, additional meetings with stakeholders and the Assembly Judiciary
42 Committee will be needed to determine how to proceed with gaining access to the reports.

43
44 Ms. Epstein stated that CAMFT is concerned about subject matter experts on these review
45 panels and emphasized the confidentiality issue.

46 47 **VII. Rulemaking Update**

48 Ms. Berger provided a brief update.

49
50 Continuing Education Regulations: These proposed changes are based on the
51 recommendations of the Board's Continuing Education Committee. This proposal is currently
52 under review by the Business, Consumer Services, and Housing Agency (Agency).

1 Disciplinary Guidelines and SB 1441 - Uniform Standards for Substance Abuse: This
2 proposal was approved by the Board at its meeting in March 2014. Next, staff will submit the
3 proposal to OAL for publication in the California Regulatory Notice Register, which will begin
4 the 45-day public comment period.

5
6 Implementation of SB 704, Examination Restructure: A revised proposal was approved by the
7 Policy and Advocacy Committee (Committee) at its meeting in February 2014. Staff plans to
8 bring this proposal for consideration back to the Committee at its next meeting once additional
9 details have been worked through.

10
11 **VIII. Suggestions for Future Agenda Items**

12
13 Ms. Epstein announced that AB 1775 is a CAMFT-sponsored bill that would bring CANRA up-
14 to-date and provide for mandatory reporting of the downloading of child pornography. Ms.
15 Epstein requested that the analysis of this bill be added to the next Board agenda.

16
17 **IX. Public Comment for Items not on the Agenda**

18 Mr. Wong, NASW-CA, announced that Each Mind Matters, California's Mental Health
19 Movement is sponsoring the Mental Health Matters Day on May 13, 2014 in Sacramento.

20
21 Dr. Wietlisbach announced that the Policy and Advocacy Committee scheduled on September
22 26, 2014 has been rescheduled to September 18, 2014.

23
24 **X. Adjournment**

25 The meeting was adjourned at 12:10 p.m.

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3. How the Exam Restructure Affects the LMFT, LPCC, & LCSW Licensure Process

A. Exam Types

Effective January 1, 2016, those pursuing licensure as a LMFT, LPCC or LCSW must pass the following two exams:

- **A California Law and Ethics exam** designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of professional clinical counseling.
- **A Clinical exam** designed to assess an applicant's knowledge of psychotherapeutic (LCSW: psychosocial) principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the profession's scope of practice. This may be a national or board-developed exam (a national exam is already in place for the LPCC program, and will be implemented for the LCSW program²).

These new exams replace the Standard Written and the Clinical Vignette exams currently in place for the LCSW and LMFT licensing programs. The LPCC program already uses a law and ethics exam.

B. Timing of Exams for Registrants

Currently, applicants take both exams upon completion of all other requirements for licensure. Under the new exam sequence, registered interns and associates will now be required to take the law and ethics exam while a registrant, and to take the exam a minimum of once per one-year renewal cycle until passed. The clinical exam will be taken after completion of all other licensure requirements.

C. Impact on Registrant Renewals and Issuance of Subsequent Registration Numbers

A registrant will not be permitted to renew his or her registration without having taken the law and ethics exam during the prior renewal period (unless the registrant has already passed). Subsequent intern or associate registration numbers will no longer be issued unless the applicant has passed the exam.

D. Law and Ethics Course for Registrants

Registrants who did not take and pass the law and ethics exam will be required to take a 12-hour continuing education course on law and ethics in order to continue to be eligible to take the law and ethics exam.

E. Differences for Registrants vs. Applicants who are Not Registrants

A "registrant" means an individual who holds a current or delinquent registration. The requirements under the exam restructure are different for a registrant than for an applicant who is not a registrant. The differences are indicated in the following tables:

² The Board voted on November 4, 2010 to accept the Association of Social Work Boards (ASWB) Clinical Level Examination for those seeking licensure with the Board and is currently working on a contract with ASWB to offer its exam. The Board will continue working with the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) to determine the viability of using its exam for LMFT licensure in California.

REGISTRANTS California <u>Law & Ethics</u> Exam Requirement		
Who	When Must Exam be Taken?	Notes
1. New Registrants	Within the first year of registration as an intern or associate.	
2. Existing Registrants	Within the registrant's first renewal period that follows January 1, 2016	Pending legislation ³ would allow registrants with an expiration date prior to June 30, 2016, to renew without first taking the exam within a <u>6-month grace period</u> that begins January 1, 2016 and ends June 30, 2016,.
3. All Registrants <i>Exception: Cancelled Registrants (see Non-Registrant table)</i>	During every one-year renewal cycle until passed	If the registrant <u>does not take</u> the exam during a renewal cycle, the intern or associate registration cannot be renewed until it has been taken. If a registrant <u>does not pass</u> the exam during a renewal cycle, she or he must complete a 12-hour law and ethics course in order to be eligible to retake the exam during the next renewal cycle.
4. Registrants with an Approved Application for Licensure	Within one year after approval of the registrant's licensure application	#3 above also applies to this group, since the intern or associate registration is maintained.

REGISTRANTS <u>Clinical</u> Exam Requirement		
Who	When Must Exam be Taken?	Notes
All Registrants	Upon completion of all other licensure requirements	

³ BBS 2014 Omnibus Bill, SB 1466 (Senate Business, Professions and Economic Development Committee)

NON-REGISTRANTS

California Law & Ethics Exam Requirement

Who	When Must Exam be Taken?	Notes
1. Cancelled Registrants	Upon request	<p>Once an intern or associate has reached the maximum registration time limit of six years, he or she will be required to <u>pass</u> the law and ethics exam in order to obtain a subsequent registration number.</p> <p>Pending legislation would provide a <u>one-year grace period</u> between 01/01/2016 and 12/31/2016 to permit an individual to be issued a subsequent registration without passing the exam. However, the registrant must pass the exam before the registration can be renewed.</p>
2. Other Non-Registrants <i>(those who have completed their hours and have an approved application for licensure)</i>	Within one year of being made eligible to take the exam	<p>Non-Registrants are not required to take the 12-hour law and ethics course if they fail the exam.</p> <p>The 12-hour course is <u>only</u> required of Registrants who do not pass, as it is assumed they are practicing and seeing clients.</p>

NON-REGISTRANTS

Clinical Exam Requirement

Who	When Must Exam be Taken?	Notes
All Non-Registrants	Within one year of passing the law and ethics exam	

4. Pending Legislation: Grace Periods

The Board's 2014 Omnibus Bill, SB 1466 (Senate Business, Professions and Economic Development Committee), would provide the following grace periods:

- Permits those with an intern or associate registration that expires prior to 06/30/2016, to renew between 01/01/2016 and 06/30/2016 without first taking the law and ethics exam.
- Permits those who apply for a second (or third, etc.) intern or associate registration, between 01/01/2016 and 12/31/2016, to obtain that registration without first passing the law and ethics exam. These applicants may be issued a new registration, but must pass the exam before that registration may be renewed.

5. Regulatory Proposal

Regulations are necessary in order to implement the examination restructure. The Board approved earlier versions of the regulatory proposal at its November 2011 and February 2013 meetings. However, since that time, the restructure's effective date was delayed to 2016. Additionally, staff have been meeting regularly to work out potential unforeseen implementation issues that could arise, as well as needed technical changes. Therefore, staff is requesting reconsideration of this updated proposal.

6. Proposed Regulatory Changes

In accordance with the exam restructure, the Board's regulations need to be revised for consistency and clarity, as follows:

- Changes the names of the exams and describes what the new examinations are designed to assess.
- Clarifies the criteria for eligibility to take the law and ethics exam to indicate that the applicant must either:
 - Hold a current, delinquent or cancelled intern registration OR
 - Have an approved examination eligibility (licensure) application
- Clarifies the time frames during which a registrant or applicant must take the California Law and Ethics examination.
- Clarifies the waiting periods between exam attempts.
- Changes application abandonment criteria to fit the new application process.
- Incorporates language allowing the Board to accept the national examinations for LMFT and LCSW licensure, if the examinations are determined to be acceptable by the Board.
- Makes technical amendments such as removing obsolete language, correcting authority and reference citations, and adding "licensed" to references to marriage and family therapists.

Recommendation

Conduct an open discussion of the proposed regulatory amendments. Direct staff to make any discussed changes, and any non-substantive changes to the attached amendments, and submit to the Board for approval as a regulatory proposal.

Attachments

Attachment A: Proposed Amendments to Examination Restructure Regulations

Attachment B: Pertinent Statutes - Examination Restructure
(includes pending legislative amendments pertaining to grace periods)

ATTACHMENT A
PROPOSED AMENDMENTS TO
EXAMINATION RESTRUCTURE REGULATIONS
Title 16, Division 18, California Code of Regulations
(Effective Date: 01/01/2016)
Revised 07/31/14

AMEND § 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, ~~4980.44, 4980.50~~, 4989.20, 4992, ~~4992.1~~, 4996.2, ~~4996.18, 4999.42~~, 4999.50 and ~~4999.54, 4999.53~~, Business and Professions Code.

ADD §1805.01. DEFINITIONS

For purposes of this division, the following definitions apply:

(a) "Application for licensure" means the following:

(1) The individual submits documentation of completed education and experience required for licensure to the Board for review; and,

(2) By submitting this information, seeks to be made eligible to take the required examinations.

(b) "Registrant" means an individual who holds a current or delinquent intern registration.

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.03(b), 4980.30, 4980.40, 4980.44, 4984.01, 4989.20, 4992, 4996.2, 4996.28, 4999.45, 4999.46, 4999.50, Business and Professions Code.

ADD §1805.05. REEXAMINATION

(a) A 90-day waiting period is required between attempts for applicants retaking a California law and ethics examination.

(b) A 180-day waiting period is required between attempts for applicants retaking a clinical examination.

(c) Waiting periods for national examinations that are accepted by the board shall be determined by that national testing entity.

(d) The Board's Executive Officer may allow for a lesser waiting period, as long as the integrity of the examination or examination security is not compromised.

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.50, 4984.72, 4989.22, 4992.1, 4996.4, 4999.52, 4999.54 and 4999.64, Business and Professions Code.

AMEND § 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.~~

(c) Applications for licensure shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:

(1) The applicant fails to sit for the California law and ethics examination within one (1) year after being notified of initial eligibility to take the examination.

(2) The applicant does not retake the California law and ethics examination within one (1) year after being notified of failing the examination.

~~(d)~~(3) The applicant fails to sit for the clinical vignette examination within one (1) year of being notified of passing the standard written examination.

(4) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the California law and ethics examination.

(5) An applicant does not retake the clinical examination or the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing the examination.

~~(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.~~

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

~~(i)~~(d) 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 paying any fees required, and meeting current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4980.397(a), 4980.398, 4980.399, 4980.40, 4980.44, 4980.72, 4984.01, 4984.7, 4984.72, 4989.20, 4989.22(b), 4989.68, 4992, 4992.05(a), 4992.07, 4992.09, 4996.1, 4996.3, 4996.4, 4996.17, 4996.18, 4996.28, 4999.42, 4999.50, ~~4999.52~~, 4999.53, 4999.54, 4999.55, 4999.60, 4999.61, 4999.64, 4999.100, and 4999.120, Business and Professions Code.

AMEND § 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)~~(c) The annual renewal fee for professional clinical counselor interns is one hundred dollars (\$100.00).

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

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

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

~~(h)~~(g) 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).~~

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

~~(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).~~

~~(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).~~

~~(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~~, ~~4996.22~~, and 4999.120, Business and Professions Code.

AMEND § 1816.2. EXAMINATION FEES

(a) The licensed clinical social worker ~~standard-written~~ California law and ethics examination fee shall be one hundred dollars (\$100.00).

(b) The board administered licensed clinical social worker ~~written~~ clinical vignette examination fee shall be one hundred dollars (\$100.00).

~~(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).~~

(b) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred dollars (\$100.00).

(c) The board administered licensed marriage and family therapist clinical examination fee shall be one hundred dollars (\$100.00).

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

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

~~(g)~~(f) 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)~~, ~~4996.4~~, 4999.54, and 4999.120, Business and Professions Code.

AMEND § 1816.3. EXAMINATION RESCORING FEES

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, ~~and~~ 4996.3, and 4999.120, Business and Professions Code.

AMEND § 1816.4. EXAMINATION ELIGIBILITY APPLICATION FEES

(a) The fee for the licensed 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, 4996.3, and 4999.120, Business and Professions Code.

AMEND § 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 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, ~~and~~ 4996.~~63~~, and 4999.120, Business and Professions Code.

AMEND § 1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance or renewal of an inactive licensed 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 [4984.7](#), 4984.8, 4989.44, ~~4989.68, 4996.3~~, 4997, ~~and~~ 4999.112 ~~and~~ [4999.120](#), Business and Professions Code.

AMEND § 1816.7. DELINQUENT FEES

(a) The delinquency fee for the licensed marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00).

(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).~~

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

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections [163.5](#), 4984.7, ~~4989.60, 4989.68, 4996.6, 4996.3~~, and ~~4999.404, 4999.120~~ Business and Professions Code.

ADD § 1822.50. REQUIRED EXAMINATIONS - LPCC

(a) The written examinations shall test for minimum acceptable competency to practice professional clinical counseling without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of professional clinical counseling.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the professional clinical counselor scope of practice.

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

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

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, and 4999.55, Business and Professions Code.

ADD § 1822.51. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION - LPCC

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4999.55(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

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

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55, and 4999.100, Business and Professions Code.

ADD § 1822.52. TIME FRAMES - LAW & ETHICS EXAMINATION - LPCC

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4999.55(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4999.55(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55 and 4999.100, Business and Professions Code.

AMEND § 1829. EXAMINATIONS - MFT

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.

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

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

ADD § 1829.1. REQUIRED EXAMINATIONS - LMFT

(a) The written examinations shall test for minimum acceptable competency to practice marriage and family therapy without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of marriage and family therapy.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the marriage and family therapist scope of practice.

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

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

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, Business and Professions Code.

ADD § 1829.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION - LMFT

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4980.399(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

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

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

ADD § 1829.3. TIME FRAMES - LAW & ETHICS EXAMINATION - LMFT

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4980.399(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4980.399(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

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

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

AMEND § 1877. EXAMINATIONS - LCSW

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.

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

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

ADD § 1877.1. REQUIRED EXAMINATIONS - LCSW

(a) The written examinations shall test for minimum acceptable competency to practice clinical social work without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of clinical social work.

(2) A clinical examination designed to assess an applicant's knowledge of psychosocial principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the clinical social worker scope of practice

(b) The clinical examination as described in subsection (a)(2) may be a board administered examination or a national examination determined by the board to be acceptable.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4992.1, 4992.05, 4992.07 and 4992.09, Business and Professions Code.

ADD § 1877.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION - LCSW

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4992.09(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

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

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4992.05, 4992.07, 4992.09, 4992.1, and 4996.28 Business and Professions Code.

ADD § 1877.3. TIME FRAMES - LAW & ETHICS EXAMINATION - LCSW

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose associate registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose associate registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4992.09(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4992.09(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

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

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4992.05, 4992.07, 4992.09, 4992.1, 4996.4 and 4996.28 Business and Professions Code.

Attachment B

PERTINENT STATUTES EXAM RESTRUCTURE

LMFT STATUTES

§4980.397. REQUIRED EXAMINATIONS; EFFECTIVE JANUARY 1, 2016

- (a) Effective January 1, 2016, an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:
- (1) A California law and ethics examination.
 - (2) A clinical examination.
- (b) Upon registration with the board, a marriage and family therapist intern shall, within the first year of registration, take an examination on California law and ethics.
- (c) A registrant may take the clinical examination only upon meeting all of the following requirements:
- (1) Completion of all required supervised work experience.
 - (2) Completion of all education requirements.
 - (3) Passage of the California law and ethics examination.
- (d) This section shall become operative on January 1, 2016.

§4980.398. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS; EFFECTIVE JANUARY 1, 2016

- (a) Each applicant who had previously taken and passed the standard written examination but had not passed the clinical vignette examination shall also obtain a passing score on the clinical examination in order to be eligible for licensure.
- (b) An applicant who had previously failed to obtain a passing score on the standard written examination shall obtain a passing score on the California law and ethics examination and the clinical examination.
- (c) An applicant who had obtained eligibility for the standard written examination shall take the California law and ethics examination and the clinical examination.
- (d) This section shall become operative on January 1, 2016.

§4980.399. CALIFORNIA LAW AND ETHICS EXAMINATION; EFFECTIVE JANUARY 1, 2016

- (a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.
- (b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.
- (c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except as provided in subdivision (d).

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

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

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

§4980.40. QUALIFICATIONS; OPERATIVE JANUARY 1, 2016

To qualify for a license, an applicant shall have all of the following qualifications:

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

(b) Be at least 18 years of age.

(c) Have at least two years of experience that meet the requirements of Section 4980.43.

(d) Effective January 1, 2016, successfully pass a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

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

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

§4980.50. EXAMINATION; ISSUANCE OF LICENSE; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION; EFFECTIVE JANUARY 1, 2016

Effective January 1, 2016, the following shall apply:

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

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

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination or

delay informing the candidate of the results of the clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

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

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

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

(g) Effective January 1, 2016, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

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

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

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

§4984.01. INTERN REGISTRATION; DURATION; RENEWAL; EFFECTIVE JANUARY 1, 2016

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

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

- (1) Apply for renewal on a form prescribed by the board.
- (2) Pay a renewal fee prescribed by the board.
- (3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.
- (4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against him or her by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(c) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a 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 and has passed the California law and ethics examination described in Section 4980.399. An applicant who is issued a subsequent intern

registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

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

§4984.7. LICENSING AND EXAM FEES SCHEDULE; EFFECTIVE JANUARY 1, 2016

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

- (1) The application fee for an intern registration shall be seventy-five dollars (\$75).
- (2) The renewal fee for an intern registration shall be seventy-five dollars (\$75).
- (3) The fee for the application for examination eligibility shall be one hundred dollars (\$100).
- (4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).

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

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

- (5) The fee for rescoring an examination shall be twenty dollars (\$20).
- (6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).
- (7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).
- (8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).
- (9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.
- (10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).
- (11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).
- (12) The fee for issuance of a retired license shall be forty dollars (\$40).

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

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

§4984.72. FAILED CLINICAL EXAMINATION; REEXAMINATION; NEW APPLICATION REQUIREMENT; EFFECTIVE JANUARY 1, 2016

(a) Effective January 1, 2016, an applicant who fails the clinical examination may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

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

LCSW STATUTES

§4992.05. REQUIRED EXAMINATIONS; EFFECTIVE JANUARY 1, 2016

(a) Effective January 1, 2016, an applicant for licensure as a clinical social worker shall pass the following two examinations as prescribed by the board:

- (1) A California law and ethics examination.
- (2) A clinical examination.

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

(c) A registrant may take the clinical examination only upon meeting all of the following requirements:

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

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

§4992.07. EXAMINATION RESTRUCTURE TRANSITION SCENARIOS; EFFECTIVE JANUARY 1, 2016

(a) An applicant who had previously taken and passed the standard written examination but had not passed the clinical vignette examination shall also obtain a passing score on the clinical examination in order to be eligible for licensure.

(b) An applicant who had previously failed to obtain a passing score on the standard written examination shall obtain a passing score on the California law and ethics examination and the clinical examination.

(c) An applicant who had obtained eligibility for the standard written examination shall take the California law and ethics examination and the clinical examination.

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

§4992.09. CALIFORNIA LAW AND ETHICS EXAMINATION; EFFECTIVE JANUARY 1, 2016

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

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

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

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

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

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

§4992.1. ELIGIBILITY FOR EXAMINATION; EXAMINATION RECORD RETENTION; SEVEN YEAR LIMITATION ON CLINICAL EXAMINATION; EFFECTIVE JANUARY 1, 2016

(a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take an examination under this chapter.

(b) Every applicant who is issued a clinical social worker license shall be examined by the board.

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

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

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

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

(g) Effective January 1, 2016, no applicant shall be eligible to participate in the clinical examination if he or she fails to obtain a passing score on the clinical examination within seven years from his or her initial attempt, unless he or she takes and obtains a passing score on the current version of the California law and ethics examination.

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

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

§4996.1. ISSUANCE OF LICENSE; EFFECTIVE JANUARY 1, 2016

(a) Effective January 1, 2016, the board shall issue a clinical social worker license to each applicant who qualifies pursuant to this article and who successfully passes a California law and ethics examination and a clinical examination. An applicant who has successfully passed a previously administered written examination may be subsequently required to take and pass another written examination.

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

§4996.3. LICENSING AND EXAM FEES; EFFECTIVE JANUARY 1, 2016

(a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars (\$75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars (\$75).

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

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

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

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

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

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars (\$155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars (\$155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents (\$77.50).

(9) The renewal delinquency fee shall be a maximum of seventy-five dollars (\$75). A person who permits his or her license to expire is subject to the delinquency fee.

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

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

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

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

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

§4996.4. FEE FOR REEXAMINATION; EFFECTIVE JANUARY 1, 2016

(a) Effective January 1, 2016, an applicant who fails the clinical examination may, within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all required fees.

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

LPCC STATUTES

§4999.45. INTERN EMPLOYMENT; DUTIES, RESPONSIBILITIES AND LIMITATIONS; EFFECTIVE JANUARY 1, 2016

(a) An intern employed under this chapter shall:

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

(2) Not be employed or volunteer in a private practice until registered as an intern.

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

(4) Renew annually for a maximum of five years after initial registration with the board.

(b) When no further renewals are possible, an applicant may apply for and obtain a 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 and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

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

§4999.50. ISSUANCE OF LICENSE; REQUIREMENTS; EFFECTIVE JANUARY 1, 2016

(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 the examinations designated in Section 4999.53.

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

§4999.52. EXAMINATION; BOARD DETERMINATION; EXAMINATION ADMISSION DENIAL; EFFECTIVE JANUARY 1, 2016

(a) Except as provided in Section 4999.54, 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) 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.
- (d) The board shall not deny any applicant whose application for licensure is complete admission to the examinations specified by paragraph (2) of subdivision (a) of Section 4999.53, nor shall the board postpone or delay this examination for any applicant or delay informing the candidate of the results of this examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.
- (e) If an applicant for the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, who has passed the California law and ethics examination, is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take this examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.
- (f) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination, or the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, permission to retake either examination pending completion of the investigation of any complaints against the applicant.
- (g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.
- (h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.
- (i) On and after January 1, 2016, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.
- (j) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.
- (k) No applicant shall be eligible to participate in the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination within seven years from his or her initial attempt. If the applicant fails to obtain a passing score within seven years of initial attempt, he or she shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.
- (l) This section shall become operative on January 1, 2016.

§4999.53. REQUIRED EXAMINATIONS; EFFECTIVE JANUARY 1, 2016

(a) Effective January 1, 2016, a clinical counselor intern applying for licensure as a clinical counselor shall pass the following examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination administered by the board, or the National Clinical Mental Health Counselor Examination if the board finds that this examination meets the prevailing standards for validation and use of the licensing and certification tests in California.

(b) Upon registration with the board, a clinical counselor intern shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant may take the clinical examination or the National Clinical Mental Health Counselor Examination, as established by the board through regulation, only upon meeting all of the following requirements:

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

(3) Passage of the California law and ethics examination.

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

§4999.55. CALIFORNIA LAW AND ETHICS EXAMINATION; EFFECTIVE JANUARY 1, 2016

(a) Each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

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

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

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

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

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

§4999.64. REEXAMINATION

(a) Effective January 1, 2016, an applicant who fails the examination specified in paragraph (2) of subdivision (a) of Section 4999.53 may, within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of the fee for the examination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all requirements in effect on the date of application, and pays all required fees.

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

§4999.100. EXPIRATION OF INTERN REGISTRATION; RENEWAL OF UNEXPIRED REGISTRATION; EFFECTIVE JANUARY 1, 2016

(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.

(4) Participate in the California law and ethics examination pursuant to Section 4999.53 each year until successful completion of this examination.

(c) The intern registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a 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 and has passed the California law and ethics examination described in Section 4999.53. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

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

§4999.120. FEES

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 board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be up to two hundred fifty dollars (\$250).

(e) The fee for the law and ethics examination shall be up to one hundred fifty dollars (\$150).

- (f) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars (\$100).
- (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 an intern registration shall be up to one hundred fifty dollars (\$150).
- (i) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).
- (j) The fee for issuance of a retired license shall be forty dollars (\$40).
- (k) The fee for rescoring an examination shall be twenty dollars (\$20).
- (l) The fee for issuance of a replacement license or registration shall be twenty dollars (\$20).
- (m) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

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To: Committee Members **Date:** July 30, 2014
From: Rosanne Helms **Telephone:** (916) 574-7897
Legislative Analyst
Subject: Review of Board Sponsored and Monitored Legislation

BOARD-SPONSORED LEGISLATION

Board staff is currently sponsoring the following legislative proposals:

1. **AB 2213 (Eggman): LMFT and LPCC Out-of-State Applicant Requirements**

Licensing requirements for out-of-state LMFT and LPCC applicants were set to change on January 1, 2014. However, the Board had concerns that the new out-of state requirements may be too stringent, restricting portability of these license types to California.

Last year, the Board sponsored AB 451 (Chapter 551, Statutes of 2013), which extended the change to the out-of-state licensing requirements from January 1, 2014 to January 1, 2016. For the past year, the Board's newly formed Out-of-State Education Committee has been working to formulate new out-of-state requirements that better accommodate license portability, while still maintaining consumer protection.

The resulting proposal makes changes to the practicum requirements for out-of-state applicants, as well as allows them to remediate certain coursework through continuing education, instead of requiring all coursework to be from a graduate program. It also allows certain coursework to be remediated while registered as an intern.

Status: This bill been referred to the Senate Appropriations Committee.

2. **SB 1466: Omnibus Legislation (Senate Business, Professions, and Economic Development Committee)**

This bill proposal makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law.

Status: This bill has been referred to the Assembly Appropriations Committee.

3. **AB 1843 (Jones and Gordon): Child Custody Evaluations: Confidentiality**

The Board is seeking statutory authority to access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law does not give the Board

direct access to the child custody evaluation report. This leaves the Board unable to investigate allegations of unprofessional conduct of its licensees while they are serving as a custody evaluator, even though the Board is mandated to do so by law.

Status: This bill has been referred to the Senate Appropriations Committee.

BOARD-SUPPORTED LEGISLATION

AB 809 (Logue): Healing Arts: Telehealth

This bill would correct some deficiencies and make some clarifying amendments to the existing telehealth law.

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

Status: This bill is currently in the Senate Health Committee.

AB 1775 (Melendez): Child Abuse and Neglect Reporting Act: Sexual Abuse

This bill would make downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse and Neglect Reporting Act (CANRA).

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

Status: This bill has passed the Senate and has gone back to the Assembly for concurrence.

AB 2058 (Wilk): Open Meetings

This bill would make an advisory body consisting of less than three members subject to the Bagley-Keene Open Meeting Act if the body is a standing committee with a continuing subject matter jurisdiction, or if the body has a meeting schedule fixed by formal action of a state body.

At its May 22, 2014 meeting, the Board took a “support” position on this bill.

Status: This bill is on third reading in the Senate.

SB 909 (Pavley): Dependent Children: Health Screenings

This bill clarifies that a social worker may authorize a noninvasive initial medical, dental, and mental health screening for a child taken into temporary custody by a county welfare agency due to an immediate danger.

At its May 22, 2014 meeting, the Board adopted a “support” position on this bill.

Status: This bill is now dead.

SB 578 (Wyland): Marriage and Family Therapists: Records Retention

This bill would require a licensed marriage and family therapist to retain patient records for a minimum of seven years from the date therapy is terminated.

At its May 22, 2014 meeting, the Board adopted a “support if amended” position on this bill, requesting that it be amended to include the Board’s other license types. The bill has since been amended to satisfy this request.

Status: This bill is currently on third reading in the Assembly.

SB 1012 (Wyland): Marriage and Family Therapists: Trainees

This bill would increase the hours of supervised experience that a marriage and family therapist intern (MFT intern) may count toward licensure, from five hours per week to six hours per week.

At its May 22, 2014 meeting, the Board adopted a “support if amended” position on this bill, requesting the following additional amendments:

1. An amendment to the law for licensed professional clinical counselor interns (LPCC interns) to allow them to count six hours per week of supervised experience as well;
2. An amendment to clarify that the amendments apply to interns, not trainees as referenced in the bill; and
3. An amendment stating that the changes made by this bill apply to supervision hours gained on or after January 1, 2009. Making the bill apply to hours gained retroactively six years back ensures that Board evaluators will not have to evaluate hours differently based on when they were gained.

The bill has since been amended to satisfy this request.

Status: This bill is currently on third reading in the Assembly.

THE BOARD IS MONITORING THE FOLLOWING LEGISLATION:

AB 186 (Maienschein): Military Spouses: Temporary Licenses

This bill requires a Board within DCA to issue a temporary license to an applicant who is a spouse of a military member stationed in California and who is already eligible for an expedited license.

At its meeting on June 26, 2014, the Board took an “oppose unless amended” position on this legislation, asking that the Board be removed from the requirements of this bill.

Status: This bill is on third reading in the Senate.

AB 1505 (Garcia): Child Abuse: Mandated Reporters

This bill specifies that consensual acts of sodomy and oral copulation are not acts of sexual assault that must be reported by a mandated reporter, unless it involves either a person over 21 or a minor under 16.

This bill died just before the Board was able to take a position at its May 22, 2014 meeting. However, the bill was discussed at the meeting as its content affects mandated reporting requirements for Board licensees. The author’s office has indicated they are interested in future legislation regarding this topic. Therefore, the Board directed staff to participate in the stakeholder process if there are future legislative efforts.

Status: This bill is dead.

AB 1702 (Maienschein): Professions and Vocations: Incarceration

This bill would prohibit a board under DCA from denying or delaying an application solely on the grounds that some or all of the licensure requirements were completed while the individual was incarcerated.

At its May 22, 2014 meeting, the Board took a “support if amended” position on this bill, and asked that the Board be removed from the bill.

Status: This bill is on third reading in the Senate.

AB 2198 (Levine): Mental Health Professionals: Suicide Prevention Training

This bill would require Board licensees to complete a six-hour training course in suicide assessment, treatment, and management. It would also require new applicants who began graduate study after January 1, 2016 to take a 15-hour course in this subject area.

At its May 22, 2014 meeting, the Board took a “oppose unless amended” position on this bill. The Board requested the bill be amended to form a task force to include members of this Board, its stakeholders, the Board of Psychology, county mental health officials, and university educators.

Status: This bill is currently in the Senate Appropriations Committee.

AB 2396 (Bonta): Expungement: Licenses

This bill would prohibit the Board from denying a license solely based on the applicant having certain types of convictions that have been expunged.

At its May 22, 2014 meeting, the Board took an “oppose” position on this bill.

Status: This bill is currently in the Senate Appropriations Committee.

SB 570 (DeSaulnier): Advanced Alcohol and Drug Licensing Act

This bill establishes the Advanced Alcohol and Drug Counselor Licensing Board within DCA for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns and Licensed Advanced Alcohol and Drug Counselors.

The Board held a meeting on July 11, 2014, where the Board adopted a “support if amended” position on this bill. The Board identified several concerns which it requested the author’s office consider in order to ensure public protection:

- Require a master’s degree for a license, even in the grandparenting period.
- Establish a secondary licensing designation, possibly requiring supervision, for an individual who does not possess a master’s degree; and
- Clarify that the license types established in the bill are subject to SB 1441 (Ridley-Thomas, Statutes of 2008), which establishes uniform standards for substance abusing licensees that all healing arts boards under DCA must abide by.

At the July 11, 2014 meeting, the Board also voted to take an “oppose” position on this bill if it were amended to place this licensing program under the Board of Behavioral Sciences.

Status: This bill is currently in the Assembly Appropriations Committee.

Updated: July 29, 2014