Board of Behavioral Sciences

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SUPERVISION COMMITTEE MEETING NOTICE
August 18, 2016
8:30 a.m. to 12:00 p.m.

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., 1st Floor
Sacramento, CA 95834

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to technical difficulties or limitations on resources. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

1. Call to Order and Establishment of Quorum
2. Introductions*
3. Suggestion for Future Agenda Items
4. Public Comment for Items Not on the Agenda
5. Update on Prior Committee Decisions and Next Steps
6. Discussion and Possible Recommendation Regarding Proposed Supervision Language Amendments for Licensed Marriage and Family Therapists
7. Discussion and Possible Recommendation Regarding Proposed Supervision Language Amendments for Licensed Professional Clinical Counselors
8. Discussion and Possible Recommendation Regarding Proposed Supervision Language Amendments for Licensed Clinical Social Workers
9. Discussion and Possible Recommendations Regarding Submission of 1099 Documentation
10. Discussion and Possible Recommendations Regarding Draft Supervision Brochure for Marriage and Family Therapist Interns and Trainees

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

11. Discussion and Possible Recommendations Regarding Temporary Substitution of A Supervisor

12. Adjournment

**Introductions are voluntary for members of the public*

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

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

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

Board of Behavioral Sciences

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Memo

To: Supervision Committee Members

Date: August 4, 2016

From: Christy Berger
Regulatory Analyst

Telephone: (916) 574-7817

Subject: **Update on Prior Committee Decisions and Next Steps**

The Supervision Committee is holding its final meeting on August 18, 2016. Staff anticipates that the Committee's proposed law changes will be considered by the Policy and Advocacy Committee on September 30, 2016, and presented to the full Board for consideration at the November 2016 meeting. Staff would run legislation and regulations during 2017 in order to begin implementing the proposed changes.

The informal decisions made by the Supervision Committee have been incorporated into the proposed language in agenda items 7, 8 and 9. The proposed language addresses the following topic areas:

- Makes supervision provisions consistent among the professions.
- Allows supervision of students performing psychotherapy to satisfy the supervisor two-year experience requirement.
- Strengthens provisions related to monitoring and evaluating the supervisee, including the Supervisory Plan form and Supervisor Responsibility Statement form.
- Addresses supervisors being reachable while supervisee is providing services.
- Requires an initial supervisor training of 15 hours for all professions.
- Requires six (6) hours of continuing professional development for supervisors every two years.
- Requires supervisors to notify the Board that they are supervising.
- Requires new and existing supervisors to perform a self-assessment of qualifications to supervise. Supervisors would submit the self-assessment to the Board, and provide a copy to each supervisee along with the supervision brochure. The Board would add a modifier to the licensee's status on Breeze to indicate that he or she is a supervisor.

- Provides the Board with the authority to audit supervisors.
- Requires the supervisor to ensure that the amount of group supervision is appropriate to each supervisee's needs.
- Allows triadic supervision (two supervisees, one supervisor) in place of individual supervision.
- Requires applicants who have completed their experience hours to continue receiving one hour of supervision per week, per work setting.

<u>The proposed language does not include the following provision as staff plans to run it as a separate regulatory proposal:</u>

- Parameters for acceptable documentation when a supervisor is deceased or incapacitated and an *Experience Verification* form had not yet been signed.

BBS Board of Behavioral Sciences

Memo

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To: Supervision Committee Members **Date:** August 11, 2016

From: Rosanne Helms
Legislative Analyst **Telephone:** (916) 574-7897

Subject: **Revised LMFT Statute and Regulations: Proposed Supervision Amendments**

Attachment A contains a draft of proposed amendments to LMFT statute and regulations based on the prior discussions and decisions of this Committee. This draft was presented and discussed at the past several Supervision Committee meetings. Additional amendments have been made based on feedback from those meetings.

Below is a summary of proposed amendments. Areas highlighted in yellow contain significant changes from the June 2016 meeting or provide new content.

1. **Revised Definitions of "Intern" and "Applicant":** The definitions of "Intern" and "Applicant" have been amended. The definition of "Intern" now includes either someone who is registered with the Board, or someone who is in the process of registering within 90 days of receiving his or her degree.

   The definition of "Applicant" was renamed "Applicant for licensure." This definition now refers to a person who has completed the education and experience requirements for licensure and who is no longer gaining supervised experience.

   Section Affected: BPC §4980.03(b) and (d)

   Employees and Volunteers : Gaining Experience vs Performing Services: Current LMFT law states that LMFT trainees and interns may only gain experience as an employee or a volunteer, and that experience shall not be gained as an independent contractor. (BPC §4980.43(c))

   However, LMFT regulations state that interns and trainees may only perform services as employees or volunteers, and not as independent contractors.

At the last meeting, the Committee discussed clarifying the language to state that no trainees, interns, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Affected: BPC §4980.43.3(a)

2. **Supervision via Videoconferencing and HIPAA Compliance:** BPC Section 4980.43.2(f) contains language allowing an intern working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

   In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in law, as its name could possibly change over time. Therefore, staff has added a statement that *"The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information."*

   Section Affected: BPC §4980.43.2(f)

3. **Definition of Supervision:** The definition of "supervision" has been revised from previous meetings to include responsibility for, and control of, the quality of services being provided. The amendments also state that consultation or peer discussion is not supervision. These changes are consistent with what is already in LCSW and LPCC law. A statement about providing regular feedback to the intern or trainee has also been included.

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

   a. An amendment to require the supervisor to monitor for and attend to any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;

   b. An amendment to require the supervisor to review progress notes, process notes, and other treatment records, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

   Sections Affected: BPC §4980.43.1(b), CCR §1833.1(a)(9)

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

   Section Affected: CCR §1833.1(a)(11)

5. **Required Supervisory Experience:** Current law requires that in order to supervise a registrant, a supervisor must have practiced psychotherapy or provided direct supervision for 2 of the past 5 years.

   However, the wording of this law is inconsistent across the Board's license types, and in some cases it is unclear if supervision of LPCC trainees or social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types.

   Section Affected: CCR §1833.1(a)(5)

6. **Supervisors Licensed for at Least Two Years:** The amendments allow a licensee to supervise if he or she has been actively licensed in California or holds an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision.

   Sections Affected: BPC §4980.03(g)(1), CCR §1833.1(a)(1), 1833.2

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

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

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

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

Recently, staff made amendments to clarify that the training and coursework requirements apply to supervisors who commence supervision for the first time in California as of January 1, 2019.

Section Added: CCR §1834

8. **Direct Supervisor Contact:** There have been revisions to the basis for the amount of required direct supervisor contact. Currently, trainees and interns must receive one hour of direct supervisor contact when they perform a specified amount of client contact in each setting.

   The amendment changes "client contact" to "direct clinical counseling" as the basis for which the amount of supervision is determined. References to "direct counseling" in Sections 4980.03(f) and 4980.43(a)(8) have been amended to instead reference "direct clinical counseling" for consistency.

   These changes will also be made in LCSW and LPCC law.

   Section Affected: BPC §§ 4980.03(f), 4980.43(a)(8), 4980.43.2(a)(1), (2)

9. **Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the law does not specifically define how much direct supervisor contact an MFT or PCI intern needs once he or she is finished gaining experience hours needed to count toward licensure. (An intern gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour if more than 10 hours of direct client contact is gained, in order for the hours to count.)

   At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that interns and applicants who have finished gaining experience hours must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Once experience hours are gained, supervision for nonclinical practice is at the supervisor's discretion.

   Section Affected: BPC §4980.43.2(i)

10. **Split BPC Section 4980.43 (No changes since last meeting):** BPC Section 4980.43 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

    Sections Affected: BPC §§4980.43-4980.43.4

11. **Definition of "One Hour of Direct Supervisor Contact"; Triadic Supervision:** These revisions provide a specific definition of one hour of direct supervisor contact. Triadic supervision is included in this definition.

    Section Affected: BPC §4980.43.2(b)

12. **Amount of Individual Supervision:** Current regulations specify that one hour per week of supervision for 52 weeks must be individual supervision.

    Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

    Section Affected: BPC §4980.43.2(d)

13. **Supervision in a Group:** Current law allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate to each supervisee's needs.

    Section Affected: BPC §4980.43.2(e)

14. **Supervision in a Non-Private Practice Setting:** Currently, a supervisor in a non-private practice only needs to sign a written agreement with the supervisee's employer if the supervisor is a volunteer. An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the applicant's employer or is a volunteer.

    Based on discussion at the last Committee meeting, the proposed amendments now require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

    Sections Affected: BPC §4980.43.4(e) and (f), CCR §1833(a)

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

    4982(r) Any conduct in the supervision of any registered intern, associate clinical social worker, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

    4982 (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

    Staff believes these two sections are duplicative, and that subsection 4982(r) is unnecessary. Subsection 4982(u) already gives the Board the authority to take

disciplinary action on, or to issue a cite and fine to, a licensee or registrant who violates any of the supervision provisions in statute and regulation. Therefore, this proposal deletes subsection 4982(r).

In addition, unprofessional conduct language related to discipline is inconsistent between LMFT, LCSW, and LPCC law. For consistency, the language in 4982(u) will be amended into the LCSW and LPCC unprofessional conduct provisions as well.

Section Affected: BPC §4982

16. **Delete Duplicative and Obsolete Language in Regulations:** Many of the provisions in regulation section 1833 are either already in statute, or they became obsolete with the passage of SB 620 (Chapter 262, Statutes of 2015), which streamlined many of the supervised experience hour requirements for licensure. These subsections were deleted. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1833 discuss specific forms that supervisors or supervisees are required to complete.

    Section Affected: CCR §1833

17. **Supervisory Plan for LMFTs:** LCSW and LPCC law requires the supervisor and the supervisee to develop a "supervisory plan" that describes goal and objectives of supervision. The registrant is required to submit this form when applying for licensure. LMFT applicants are currently not required to have a supervisory plan. The Committee decided to require a supervisory plan for LMFT applicants as well. In addition, it decided to require that the supervisor and supervisee collaborate to develop the goals and objectives.

    Section Affected: CCR §1833(c)

18. **Annual Assessment:** LCSW regulations require a supervisor to complete an annual assessment of the strengths of the registrant and to provide the registrant with a copy. The Committee decided to require this for supervisors of LMFT and LPCC interns and trainees as well.

    Section Affected: CCR §1833.1(a)(10)

19. **Supervisor Registration:** The committee has decided to require all supervisors to register with the Board, initiated by a licensee's submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report will include the supervisor's qualifications, as well as an acknowledgement of certain responsibilities. For those who qualify as a supervisor, the Board will add a supervisor status to the licensee's record. The effective date of this requirement will be delayed to January 1, 2020 to allow time for the Breeze online system to be modified so that supervisors will be searchable. In

addition, the deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be March 31, 2020.

The "Supervisor Self-Assessment Report" has been modified since the June 2016 meeting, as indicated in item #20 below. See Attachment C for the draft "Clinical Supervisor Self-Assessment Report".

Sections Affected: CCR §1833(b), 1833.1(d)

20. **Supervision Agreement:** During previous meetings, it was decided that the "Supervisor Responsibility Statement" would be replaced by the "Clinical Supervisor Self-Assessment Report". However, staff recently determined that this would be problematic. Registration of supervisors requires a delayed implementation due to Breeze, but many of the new supervisor requirements and responsibilities will take effect much sooner. In light of this, the supervision forms and related processes have been revised as follows:

    Supervisor Self-Assessment Report: This form would be solely for the purpose of registering supervisors. Content formerly in the "Self-Assessment Report" pertaining to supervisor responsibilities has been moved to the new "Supervision Agreement". Staff no longer recommends requiring a copy be given to the supervisee, as the "Supervision Agreement" supplants the need for this.

    Supervision Agreement: This form would be completed by both the supervisor and supervisee. It includes the supervisor's license information and status, an acknowledgement of supervisor and supervisee responsibilities, and a collaboratively developed supervisory plan. The original would be retained by the supervisee and submitted to the Board upon application for licensure. See Attachment D for the draft "Supervision Agreement".

    Sections Affected: CCR §1833(c), 1833.1(d)

21. **Weekly Log:** The weekly log form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form.

    Section Affected: CCR §1833(d)

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

    Section Affected: CCR §1833(e)

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

- The "Supervisor Self-Assessment Report" must be completed within 60 days of commencing supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by March 31, 2020.

- The "Supervision Agreement" must be completed within 60 days of commencing supervision.

- The initial 15 hour supervision training course must be completed within either 2 or 4 years prior to commencing supervision, or within 60 days after commencing supervision.

The Committee should discuss whether it believes these timelines are appropriate.

Sections Affected: CCR §§ 1833, 1833.1, 1834

24. **Documentation of Supervisor Qualifications and Audits:** A regulation section was added to allow the Board to audit supervisor's records to verify they meet the supervisor qualifications specified in proposed regulation section 1834. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the termination of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

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

Section Added: CCR §1835

ATTACHMENTS:

Attachment A: Proposed LMFT Supervision Language
Attachment B: Reference Sections – Current Law: BPC §4980.43, 16 CCR §§ 1833, 1833.1, 1833.2
Attachment C: Draft "Clinical Supervisor Self-Assessment Report" form
Attachment D: Draft "Supervision Agreement" form

ATTACHMENT A

PROPOSED LMFT SUPERVISION LANGUAGE

§4980.03. DEFINITIONS

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

(b) "Intern," as used in this chapter, means an unlicensed person who has earned his or her master's or doctoral degree qualifying him or her for licensure and ~~is registered with the board.~~meets one of the following definitions, unless otherwise specified:

(1) The individual is registered with the board as an intern

(2) The individual's degree was awarded and he or she will be applying for intern registration within 90 days of the degree award date.

(3) The individual applied for intern registration within 90 days of the date his or her degree was awarded.

(c) "Trainee," as used in this chapter, means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

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

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

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

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

(1) Has been actively licensed ~~by a state regulatory agency~~ in California or holds an equivalent license in any other state for at least two of the past five years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology~~.~~, immediately prior to commencing any supervision.

(2) If a licensed professional clinical counselor, the individual shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20.

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

(~~3~~4) Has not provided therapeutic services to the trainee or intern.

(~~4~~5) Has and maintains a current and ~~valid~~active California license that is not under suspension or probation.

(~~5~~6) Complies with supervision requirements established by this chapter and by board regulations.

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

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

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

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

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

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

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

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

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

(7) No hours of experience may be gained more than six years prior to the date the application for ~~examination eligibility~~licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

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

(9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§4980.43.1 SUPERVISION DEFINITION; REGISTRATION AS AN INTERN

(a) All applicants for licensure, trainees, and interns shall be at all times under the supervision of a supervisor as specified in this chapter and by regulation.

(b) The term "supervision", as used in this chapter, means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered to be supervision. Supervision includes the following:

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

(2) ~~Reviewing client or patient records,~~ ~~m~~Monitoring and evaluating assessment, diagnosis, and treatment decisions of the supervisee and providing regular feedback.

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

(4) Monitoring for and attending to any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.

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

(6) Reviewing progress notes, process notes, and other treatment records.

(7) That amount of direct observation~~,~~ or review of audio or video ~~tapes~~recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor.

(c) Except as provided in subdivision (d), all persons shall have an active intern registration with the board in order to gain postdegree hours of supervised experience.

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

§4980.43.2 DIRECT SUPERVISOR CONTACT

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a) of section 4980.43, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

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

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

(b) "One hour of direct supervisor contact" means any of the following:

1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee.

2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees.

3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

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

(d) An applicant for licensure shall have received at least one (1) hour per week of direct supervisor contact meeting the criteria of subdivisions (1) or (2) of subsection (b), for a minimum of 52 weeks.

(e) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.

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

(g) All experience gained by a trainee shall be monitored by the supervisor as specified by this chapter and by regulation.

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

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

§4980.43.3 SUPERVISION: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) ~~Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by an intern or trainee as an independent contractor.~~ Marriage and family therapist trainees, interns, and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of his chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. No trainee, intern, or applicant for licensure shall perform any services or gain any experience within the scope of practice of the profession, as defined in section 4980.02, as an independent contractor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Trainees, interns and applicants for licensure shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.

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

(h) For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with this chapter, may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board.

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

~~§4980.45. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS~~ 4980.43.4 OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS

(a) Trainees, interns, and applicants for licensure shall only perform services at the place where their employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of their employer and their supervisor, and in compliance with the ~~laws~~statutes and regulations pertaining to supervision.

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

~~(a)~~(c) A licensed professional in private practice who has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

~~(b)~~(d) A marriage and family therapy corporation may employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern,

clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03. In no event shall any marriage and family therapy corporation employ, at any one time, more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the marriage and family therapy corporation and shall be actively engaged in performing professional services at and for the marriage and family therapy corporation. Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

~~(e) In a private practice setting, the registered intern's supervisor must be an owner or shareholder of the private practice. Alternatively, the supervisor may be employed by the private practice and regularly conduct business at the same site as the registered intern.~~

(f) In a setting which is not a private practice, a written agreement, as specified in regulation, must be executed between the ~~applicant's~~ supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

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

(h) Alternative supervision for an intern or trainee may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

§4982. UNPROFESSIONAL CONDUCT

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

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of

guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~t~~s) Permitting a trainee, ~~or registered~~ intern or applicant for licensure under one's supervision or control to perform, or permitting the trainee, ~~or registered~~ intern or applicant for licensure to hold himself or herself out as competent to perform, professional services beyond the trainee's, ~~or registered~~ intern's or applicant for licensure's level of education, training, or experience.

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

(~~v~~u) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

(~~x~~w) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~y~~x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(~~z~~y) Failure to comply with Section 2290.5.

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

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

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

§1833. ~~EXPERIENCE~~SUPERVISION: REQUIRED DOCUMENTATION

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

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

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

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

~~(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.~~

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

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

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

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

~~(4)~~(a) Pursuant to Section 4980.43.4 of the Business and Professions Code, ~~In~~in a setting which is not a private practice, ~~the authorized supervisor may be employed by~~

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

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

(2) Agrees to provide the supervisor access to clinical records of the clients counseled by the ~~intern or trainee~~supervisee~~.~~, and

(3) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

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

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

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

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

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

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

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

(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment of qualifications to supervise, as specified in section 1833.1.

~~(c) A supervisor who assumes responsibility for providing supervision shall collaborate with the supervisee to develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan". (form no. _____), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted to the supervisee within 60 days of commencing supervision.~~

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

(1) The supervisor's qualifications to supervise.

(2) An affirmation by the supervisor of his or her understanding of the requirements pertaining to direct supervisor contact.

(3) An affirmation by the supervisor of his or her understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices and work settings, and supervisee employment.

(4) An affirmation by the supervisor of his or her understanding of the supervision documentation required and the Board's right to audit a supervisor's compliance.

(5) An affirmation by the supervisee of his or her understanding of the following:

(A) Requirements pertaining to intern registration.

(B) The requirement that a supervisor must hold a current and active California license while supervising in order for hours to count toward licensure.

(C) Prohibited practices as specified in sections 4980.43.1(d) and 4980.43.3(a), (b), (d), (e) and (f) of the Code.

(D) The six-year limit pertaining to experience hours.

(E) Requirements pertaining to documentation of completed supervised experience.

(6) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee.

~~(e)~~(d) ~~Effective January 1, 1991, trainees~~Trainees and interns shall maintain a weekly log of all hours of experience gained toward licensure. The log~~, form #1800-37A-524 (REV. 1/11) and form #1800-37A-524a (REV. 1/11)~~ of hours shall be signed by the supervisor on a weekly basis. An ~~applicant~~intern or trainee shall retain ~~all~~the signed logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

(1) The name and address of the supervisee's work setting
(2) A breakdown of the experience hours gained by category
(3) Total hours gained per week and in each category

(e) Completed hours of experience shall be documented at the completion or termination of supervision and shall include all of the following:

(1) The supervisor's telephone number, and the supervisor's license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Information about the supervisee's work setting.

(4) If the supervisee is an intern, documentation of employment.

(5) The applicant's accumulated hours of experience.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40, and 4980.42 through ~~4980.45~~4980.43.4, Business and Professions Code.

§1833.1. REQUIREMENTS FOR SUPERVISORS

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

~~(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" (revised 3/10, form #1800-37A-523), hereby incorporated by reference, requiring that:~~

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

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

~~(B) Has been licensed in California as specified in Section 4980.03 (g) of the~~

~~Code, and in any other state, for a total of at least two years prior to commencing any supervision.~~

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

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

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

(5) The supervisor has practiced psychotherapy or provided direct ~~supervision of trainees, interns, associate clinical social workers, or professional clinical counselor interns~~ clinical supervision of LMFT trainees, LMFT interns, LPCC interns, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or LPCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the students is substantially equivalent to the supervision required for registrants.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1834.

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

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

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

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

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

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

~~(10)~~(11) The supervisor shall ~~address with the~~establish and communicate to the trainee or intern ~~the manner in which emergencies will be handled.~~procedures for contacting the supervisor, or, in the supervisor's absence, alternative on-call supervisors to assist in handling crises and emergencies.

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

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

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

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

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

(1) The supervisor's license information and status.
(2) The supervisor's qualifications to supervise.
(3) The supervisor's affirmation that he or she understands the requirements set forth in sections 4980.03(g) and 4980.43.4(c) and (d) of the Code, and in sections 1833.1(a)(4), 1834 and 1835.

(e) All supervisors shall submit a self-assessment to the Board by March 31, 2020. New supervisors shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

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

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

NOTE: Authority cited: Sections 4980.35, 4980.40, 4980.60, and 4990.20 Business and Professions Code. Reference: Sections 4980.03, 4980.35, and 4980.42 through ~~4980.45~~4980.43.4, ~~4980.48, 4980.54 ,4996.22, and 4999.76,~~ Business and Professions Code.

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

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

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, licensed physician certified in psychiatry ~~as specified in Section 4980.40(f) of the code~~by the American Board of Psychiatry and Neurology, professional clinical counselor, ~~or~~ a marriage and family therapist or similarly titled marriage and family practitioner, or equivalently licensed mental health counselor.

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

maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, ~~4980.40(f) and~~ 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.72, and 4980.74~~4980.40(f), 4980.42 4980.45 and 4980.90~~, Business and Professions Code.

§1834. SUPERVISOR TRAINING AND COURSEWORK

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

(a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:

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

2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision. If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.

(b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:

1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;

2) Teaching a supervision course as specified in subparagraph (1).

3) Authoring research pertaining to supervision that has been published professionally.

4) Receiving ~~documented~~ mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor.

5) ~~Documented~~ Attendance at supervisor peer discussion groups.

(d) (1)In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

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

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

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

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

NOTE: Authority cited: Section 4980.35 and 4990.20, Business and Professions Code. Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

§1835. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in Section 1834 for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

NOTE: Authority cited: Section 4980.35 and 4990.20, Business and Professions Code. Reference: Sections 4980.03 and 4980.35, Business and Professions Code.

ATTACHMENT B

Reference Sections – Current Law: BPC §4980.43, 16 CCR §§ 1833, 1833.1, 1833.2

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

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

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

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

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

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

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

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

(7) No hours of experience may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(8) A minimum of 1,750 hours of direct counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.

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

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

§1833. EXPERIENCE

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

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

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

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

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

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating

assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log, form #1800 37A-524 (REV 1/11) and form #1800 37A-524a (REV 1/11) shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

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

§1833.1. REQUIREMENTS FOR SUPERVISORS

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

(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the “Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern” (revised 3/10, form #1800 37A-523), hereby incorporated by reference, requiring that:

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

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

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

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

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

(4) The supervisor has and maintains a current license in good standing and will immediately

notify the trainee or intern of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to supervise.

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

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

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

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

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

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

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

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

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

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

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

supervisor and employer.

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

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

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

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

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

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

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

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

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

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DRAFT CLINICAL SUPERVISOR SELF-ASSESSMENT REPORT

A licensee supervising a Marriage and Family Therapist Trainee or Intern, Associate Clinical Social Worker, or Professional Clinical Counselor Intern, must complete and submit the original of this form to the Board within the time frame indicated below:

- *Individuals who began supervising prior to January 1, 2019:* ***Due by March 31, 2019****.*
- *Individuals who began supervising after January 1, 2019:* ***Due within 60 days of commencing supervision.***

If you meet the requirements and are a Board licensee, a note will be added to your licensing record that states you are a qualified supervisor (Licensed Psychologists and Psychiatrists - the Board is unable to add a note to your licensing record). One-time submission of this form covers all BBS professions and all types of BBS supervisees.

Type or print clearly in ink

1. Supervisor's Legal Name: Last	First	Middle

2. BBS File Number (if known):	3. Business Telephone:	4. E-Mail Address:

5. California License Type: ☐ LCSW ☐ LMFT ☐ LPCC ☐ Clinical Psychologist*
☐ Physician Board-Certified in Psychiatry by the American Board of Psychiatry and Neurology*

6. License Number:	7. Date Issued:	8. Expiration Date:	9. Date You Began Supervising:

10. Do you hold an equivalent license in another state? Yes ☐ No ☐

If YES, *provide the information below:*

State	License Type	License Number	Date Issued	Status

11. LPCCs: Will you be supervising an MFT Trainee or MFT Intern; or, a Professional Counselor Intern or LPCC licensee gaining experience with couples or families? Yes ☐ No ☐

12. If you marked ***YES to question 11****,* have you met all of the qualifications to assess and treat couples and families under your LPCC license per Business and Professions Code (BPC) section 4999.20 and Title 16, California Code of Regulations (16CCR) section 1820.7? Yes ☐ No ☐

Supervisor's Last Name	First	Middle

13. Have you been issued any of the following "approved supervisor" designations? Yes ☐ No ☐

If YES, (1) Mark the box next to the type of certification held; (2) List the date issued and (3) SKIP questions 14, 15, 16 and 17 below.

☐ American Association for Marriage and Family Therapy (AAMFT): Date Issued: _____

☐ American Board of Examiners in Clinical Social Work (ABECSW): Date Issued: _____

☐ California Association of Marriage and Family Therapists (CAMFT): Date Issued: _____

☐ Center for Credentialing and Education (CCE): Date Issued: _____

14. Have you held an active license in California or any other state for at least two (2) of the past five (5) years immediately prior to commencing supervision as required by 16CCR section 1833.1(a)(1)? ☐ Yes ☐ No

15. EXPERIENCE: Have you practiced psychotherapy or provided direct clinical supervision of trainees, interns, or associates who perform psychotherapy for at least two (2) of the past five (5) years immediately preceding supervision as required by 16CCR section 1833.1(a)(5)? ☐ Yes ☐ No

16. TRAINING COURSE: Did you complete the supervisor training course that was required at the time you began supervising as required by as required by 16CCR section 1834? ☐ Yes ☐ No ☐ N/A-I am a Psychologist or Psychiatrist

Course Provider: _____ Date: _____

17. I understand that I must complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent license renewal period while providing supervision as required by 16CCR section 1834. Initials: _____ ☐ N/A-I am a Psychologist or Psychiatrist

18. I understand that if I do not renew my California license on time, any hours gained by my supervisees during the time my license is lapsed will NOT be counted toward licensure and my license may be subject to disciplinary action per 16CCR section 1833.1(a)(1). Initials: _____

Supervisor's Last Name	First	Middle

19. I understand that I must immediately notify my supervisees of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects my ability or right to supervise per 16CCR section 1833.1(a)(4).	Initials: _____
20. I understand that the Board has the right to audit records of any supervisor to verify completion of supervisor qualifications. I must maintain records for a period of seven (7) years after termination of supervision per 16CCR section 1835.	Initials: _____
21. If I will be supervising in a private practice setting, I understand that I may not supervise or employ more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice as required by BPC section 4980.43.4(c). If I will be supervising in a MFT corporation, I understand the limitations set forth in BPC section 4980.43.4(d).	Initials: _____

I certify under penalty of perjury that all of the foregoing is true and correct. I understand that my license may be subject to disciplinary action should any conduct in my supervision violate the Board's statutes or regulations.

_____ _____

Signature of Applicant ***Date***

(Original submitted to BBS must be signed and initialed in ink. Due by March 31, 2019)

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Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
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SUPERVISION AGREEMENT

MARRIAGE AND FAMILY THERAPIST TRAINEE OR INTERN

A licensed mental health professional who provides supervision to an individual working toward a Marriage and Family Therapist license is required by law (Title 16, California Code of Regulations section 1833.1) to complete and sign this agreement within 60 days of the commencement of any supervision, and to provide the intern or trainee with the original signed agreement. The intern or trainee shall provide the original agreement with his or her application for licensure. Note: This agreement does not contain an exhaustive list of all legal requirements.

Supervisee's Name: Last	First	Middle
Supervisee's Intern Registration Number or Social Security Number/ITIN*:		
Supervisor's Name: Last	First	Middle

PART I – TO BE COMPLETED BY SUPERVISOR

A. SUPERVISOR QUALIFICATIONS

SUPERVISOR'S LICENSE INFORMATION:			
License Type: ☐ LCSW ☐ LMFT ☐ LPCC ☐ Clinical Psychologist ☐ Physician Board-Certified in Psychiatry by the American Board of Psychiatry and Neurology			
License Number:	Date Issued:	Expiration Date:	
If licensed for less than two (2) years in California, provide your equivalent out-of-state license information:			
State:	License Type:	License Number:	Date Issued:
LPCCs: Have you met all of the qualifications to assess and treat couples and families (required in order to supervise a MFT Trainee or Intern)?		Yes ☐	No ☐

**You may provide either your Social Security Number, Federal Employer Identification Number, or Individual Taxpayer Identification Number, as applicable.*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

Have you been issued any of the following "approved supervisor" designations? Yes ☐ No ☐

If YES, • Mark the box next to the type of certification held; • List the date issued and • SKIP questions 2, 3, 4 and 5 below.

☐ American Association for Marriage and Family Therapy (AAMFT): Date Issued: _____

☐ American Board of Examiners in Clinical Social Work (ABECSW): Date Issued: _____

☐ California Association of Marriage and Family Therapists (CAMFT): Date Issued: _____

☐ Center for Credentialing and Education (CCE): Date Issued: _____

	Legal Reference**	**Supervisor Initials**
1. I shall maintain a current and active California license in good standing while supervising, and will immediately notify the supervisee of any disciplinary action taken against my license, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects my ability or right to supervise.	*BPC § 4980.03 (g) and 16 CCR § 1833.1(a)(4)*	
2. I have been actively licensed for at least two (2) of the past five (5) years immediately prior to commencing supervision.	*BPC § 4980.03 (g) and 16 CCR § 1833.1(a)(1)*	
3. I have either practiced psychotherapy or provided direct clinical supervision of qualifying supervisees who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding this supervision.	*16 CCR § 1833.1(a)(5)*	
4. I have completed the initial supervisor training that was required at the time I began supervising (or will complete it within 60 days of commencing supervision).***	*16 CCR § 1834*	
5. I have completed (or if not yet required, will complete) six (6) hours of continuing professional development (CPD) during each subsequent license renewal period while supervising.***	*16 CCR § 1834*	
6. I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.	*16 CCR § 1833.1(a)(6)*	

**** Supervisors licensed as a Psychologist or Physician are not required to comply with #4 and #5.*

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

	Legal Reference**	Supervisor Initials
7. I know and understand the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.	*16 CCR § 1833.1(a)(7)*	
8. I have had sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.	*16 CCR § 1833.1(a)(2)*	
9. I will keep myself informed about developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.	*16 CCR § 1833.1(a)(3)*	
10. I shall be competent in the areas of clinical practice and techniques being supervised.	*16 CCR § 1833.1(a)(3)*	
11. I have not ever provided therapeutic services to the supervisee.	*BPC § 4980.03(g)(4)*	

B. EMPLOYMENT OF SUPERVISEE

	Legal Reference**	Supervisor Initials
12. I shall ensure that the supervisee is employed as a W-2 employee or a volunteer, and not as an independent contractor.	*BPC § 4980.43.3(a)*	
13. I shall not provide supervision unless the supervisee works in a setting that meets all of the following: • Lawfully and regularly provides mental health counseling or psychotherapy; • Provides oversight to ensure that the supervisee's work at the setting meets the experience and supervision requirements and is within the scope of practice for the profession; and • If the supervisee has not been issued an intern registration, the setting shall not be a private practice owned by a LMFT, LPCC, LCSW, licensed psychologist or physician, or a professional corporation of any of those licensed professions.	*BPC §§ 4980.02; 4980.43.3 (b),(c)*	
14. I understand that my supervisee may not do any of the following: • Receive any remuneration from patients or clients; • Have a proprietary interest in the employers' business; or • Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of the supervisee's employer.	*BPC § 4980.43.3(e),(f)*	

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

	Legal Reference**	Supervisor Initials
15. I understand that my supervisee may only perform services at the place where his or her employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of the employer and supervisor.	*BPC § 4980.43.4(a)*	
16. If the registered intern will be working in a private practice, I understand that I as the supervisor must either be (1) employed by and practice at the same site as the intern's employer, or (2) an owner or shareholder of the private practice.	*BPC § 4980.43.4(b)*	

C. OTHER AGREEMENTS

	Legal Reference**	Supervisor Initials
17. If I am not employed by the same employer as my supervisee, or if I serve as a voluntary supervisor, a written agreement shall be executed between myself and the organization as specified in 16CCR section 1833(a).	*BPC § 4980.43.4(f) and 16CCR § 1833(a)*	
18. I shall ensure compliance with the laws and regulations governing the practice of marriage and family therapy.	*BPC § 4980.43.1(b)(5)*	
19. When conducting group supervision, I shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.	*BPC § 4980.43.2(e)*	
20. I shall sign the supervisee's experience log on a weekly basis, and shall verify the supervisee's completed experience hours at the completion or termination of supervision.	*16 CCR § 1833(d) and (e)*	
21. I shall establish and communicate to the supervisee the procedures for contacting myself, or in my absence, an alternative on-call supervisor to assist in handling crises and emergencies.	*16 CCR § 1833.1(a)(11)*	
22. I shall give at least (1) one week's prior written notice to a supervisee of my intent not to sign for any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision.	*16 CCR § 1833.1(c)*	
23. I shall obtain from the supervisee the name, address and telephone number of the supervisee's most recent supervisor and employer.	*16 CCR § 1833.1(d)*	

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

	Legal Reference**	**Supervisor Initials**
24. Upon written request of the Board, I shall provide to the board any documentation which verifies my compliance with the requirements set forth in 16 CCR section 1833.1 or 1834.	*16 CCR §§ 1833.1(e); 1834; 1835*	
25. In order for my supervisee to see clients and earn postdegree experience, I understand that he or she must hold a current intern registration with the Board, unless otherwise specified in BPC section 4980.43.1(d).	*BPC § 4980.43.1(c) and (d)*	
26. I understand the requirements pertaining to direct supervisor contact set forth in BPC section 4980.43.2.	BPC § 4980.43.2	

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and that the information submitted on this form is true and correct.

Supervisor's Signature Date signed

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

PART II - TO BE COMPLETED BY SUPERVISEE

All pages of the original, signed Supervision Agreement must be retained by the supervisee and submitted with your application for licensure. It is recommended that you download and read the "Guide to Supervision" from the Board's website and discuss it with your supervisor.

SUPERVISEE'S CURRENT STATUS *(as of the date this agreement is signed)*:

☐ Trainee ☐ Intern Applicant: Date applied: _____

☐ Registered Intern - IMF_____ Date Issued: _____ Expiration Date: _____

	Legal Reference**	Supervisee Initials
1. If I have graduated from my degree program, I understand that I must possess a current intern registration in good standing while experience is gained in order for my hours to count toward licensure *(Exception: if I applied for intern registration within 90 days of graduation and am subsequently issued a registration, I may be credited for experience gained prior to the registration's issuance)*.	*BPC § 4980.43.1*	
2. I understand that my supervisor must maintain a current and active California license in good standing while supervising, and that any hours gained during the time my supervisor's license is lapsed will not count toward licensure.	*16 CCR § 1833.1(a)(4)*	
3. I understand that I may not work in a private practice setting until my intern registration has been issued.	*BPC §§ 4980.43.1(d) & 4980.43.3(b)*	
4. I understand that I must be employed as either a W-2 employee or a volunteer, and not as an independent contractor.	*BPC § 4980.43.3(a)*	
5. I understand that my supervisor must sign my experience log on a weekly basis, and must also sign an Experience Verification at the conclusion of supervision in order for my experience to count toward licensure. verify my completed experience hours at the completion or termination of supervision.	*16 CCR § 1833(d) and (e)*	
6. I understand that all hours of experience, with the exception of 500 supervised practicum hours, must be completed within the six (6)-year period immediately preceding my application for licensure.	*BPC § 4980.43(a)(7)*	

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

	Legal Reference**	Supervisee Initials
7. I understand that any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience.	*BPC § 4980.43.3(d)*	
8. I understand that any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.	*BPC § 4980.43.3(d)*	
9. I understand that I may not do any of the following: • Receive any remuneration from patients or clients; • Have a proprietary interest in my employers' business; or • Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of my employer.	*BPC § 4980.43.3(e),(f)*	

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and that the information submitted on this form is true and correct.

Supervisee's Signature Date signed

***16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code*

Supervisor's Name: Last	First	Middle
Supervisee's Name: Last	First	Middle

PART III – TO BE COMPLETED BY SUPERVISOR AND SUPERVISEE

SUPERVISORY PLAN

Within 60 days of commencing supervision, the supervisor and supervisee are required by Title 16, California Code of Regulations (CCR) section 1833(c), to collaboratively develop a supervisory plan that describes the goals and objectives of supervision.

DESCRIBE THE GOALS AND OBJECTIVES OF SUPERVISION BELOW:

By signing below, I acknowledge that this Supervisory Plan was developed collaboratively with the supervisee. I also understand that I am required to do all of the following *(per Business and Professions Code section 4980.43.1(b) and Title 16, CCR section 1833(b)(10))*:

- **Complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision, and provide a copy to the supervisee.**
- **Ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.**
- **Monitor and evaluate assessment, diagnosis, and treatment decisions of the supervisee and provide regular feedback.**
- **Monitor and evaluate the ability of the supervisee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.**
- **Monitor for and attend to any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.**
- **Review progress notes, process notes, and other treatment records.**
- **Directly observe therapy, or review audio or video recordings of therapy, in an amount I deem appropriate, with the client's written consent.**

Supervisor's Signature Date signed

By signing below, I acknowledge that this Supervisory Plan was developed collaboratively with my supervisor.

Supervisee's Signature Date signed

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Board of Behavioral Sciences

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Memo

To: Supervision Committee Members **Date:** August 11, 2016

From: Rosanne Helms, Legislative Analyst **Telephone:** (916) 574-7897

Subject: **Revised LPCC Statute and Regulations: Proposed Supervision Amendments**

Attachment A contains proposed amendments to LPCC statute and regulations based on the prior discussions and decisions of this Committee.

The major highlights of the amendments are below. Areas highlighted in yellow contain significant changes from the June 2016 meeting or discuss new content.

1. **Revised Definitions of "Intern" and "Applicant":** The definitions of "Intern" and "Applicant" have been amended. The definition of "Intern" now includes either someone who is registered with the Board, or someone who is in the process of registering within 90 days of receiving his or her degree.

   The definition of "Applicant" was renamed "Applicant for licensure." The definition was amended to mean a person who has completed the education and experience requirements for licensure and who is no longer gaining supervised experience.

   Section Affected: BPC §4999.12(d) and (f)

2. **Employees and Volunteers: Gaining Experience vs. Performing Services:** Current LPCC law states that LPCC trainees, interns, and applicants may only perform services as an employee or a volunteer. It goes on to state that experience shall not be gained by interns or trainees as an independent contractor. (BPC §4999.47(a))

   At the last meeting, the Committee discussed clarifying the language to state that no trainees, interns, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Affected: BPC §4999.46.3(a)

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

   Sections Affected: BPC §4999.12(h), CCR §1821(b), 1821.1, and 1821.2

4. **Required Supervisory Experience:** Current law requires that in order to supervise a registrant, a supervisor must have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years.

   However, the wording of this law is inconsistent across the Board's license types, and in some cases it is unclear if supervision of LPCC trainees or social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types.

   Section Affected: CCR §1821(b)(5)

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

   Sections Affected: BPC §4999.12(h)(2), CCR §1821(b)(12)

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

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

- A statement about providing regular feedback to the intern or trainee;

- An amendment to require the supervisor to monitor for and attend to any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;

- An amendment to require the supervisor to review progress notes, process notes, and other treatment records, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

  Sections Affected: BPC §4999.12(m), CCR §1821(b)(9)

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

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

   Sections Affected: BPC §4999.12(n) and (o), CCR §1820

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

   Section Affected: BPC §§4999.34, 4999.44, 4999.455, 4999.46.3, 4999.46.4

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

   Sections Affected: BPC §§4999.46 – 4999.46.4

10. **Definition of "One Hour of Direct Supervisor Contact"; Triadic Supervision:** These revisions provide a specific definition of one hour of direct supervisor contact. Triadic supervision is included in this definition.

    Section Affected: BPC §4999.46.2(b) and (c)

11. **Amount of Individual Supervision:** Current regulations specify that one hour per week of supervision for 52 weeks must be individual supervision.

    Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

Section Affected: BPC §44999.46.2(e)

12. **Supervision in a Group:** Current law allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate to each supervisee's needs.

    Section Affected: BPC §4999.46.2(f)

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

    In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in law, as its name could possibly change over time. Therefore, staff has added a statement that *"The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information."*

    Section Affected: BPC §4999.46.2(g)

14. **Direct Supervisor Contact:** There have been revisions to the basis for the amount of required direct supervisor contact. Currently, trainees and interns must receive one hour of direct supervisor contact when they perform a specified amount of client contact or face-to-face psychotherapy in each setting.

    The amendment changes these terms to "direct clinical counseling" as the basis for which the amount of supervision is determined. References in sections 4999.46(a) and 4999.46.2(a)(1) and (2) have been amended to instead reference "direct clinical counseling" for consistency.

    These changes will also be made in LCSW and LPCC law.

    Recently, the amount of supervision required for trainees was moved so that it is listed separately from interns, because LPCC trainees cannot count supervised experience hours. However, the Committee may wish to discuss whether the law should specify amount of supervision for trainees when they are not performing direct clinical counseling.

    Section Affected: BPC §§ 4999.46(a), 4999.46.2(a), (b)(1)

15. **Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the law does not specifically define how much direct supervisor contact an MFT or PCI intern needs once he or she is finished gaining experience hours needed to count toward licensure. (An intern gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one

additional hour if more than 10 hours of direct client contact is gained, in order for the hours to count.)

At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that interns and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Once experience hours are gained, supervision for nonclinical practice is at the supervisor's discretion.

Section Affected: BPC §4999.46.2(i)

16. **Interns Incurring Business Expenses:** Current law prohibits PCC interns from having any proprietary interest in their employer's business. Additional language has been added stating that they shall not lease or rent space, or pay for furnishings, equipment, supplies or other expenses that are the obligation of their employers. This language is consistent with language that is already in LMFT law.

    Section Affected: BPC §4999.46.3(f)

17. **Arrangements for Alternative Supervision:** An amendment was made stating that alternative supervision may be arranged for during a supervisor's absence, if the supervision meets the Board's supervision requirements. This amendment is consistent with language already in LMFT law.

    Section Affected: BPC §4999.46.4

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

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

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

    Staff believes these two sections are duplicative, and that subsection 4999.90(r) is unnecessary. Subsection 4999.90(u) already gives the Board the authority to take disciplinary action on, or to issue a cite and fine to, a licensee or registrant who violates any of the supervision provisions in statute and regulation. Therefore, this proposal deletes subsection 4999.90(r).

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

Section Affected: BPC §4999.90

19. **Delete Duplicative and Obsolete Language in Regulations; Move Language to Statute:** Several provisions in regulation sections 1820 and 1821 are either already in statute, or are outdated. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1820 discuss specific forms that supervisors or supervisees are required to complete.

    Section Affected: CCR §1820, 1821

20. **Supervision in a Non-Private Practice Setting:** Currently, a supervisor in a non-private practice only needs to sign a written agreement with the supervisee's employer if the supervisor is a volunteer. An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the supervisee's employer or is a volunteer.

    Based on discussion at the last Committee meeting, the proposed amendments now require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

    Sections Affected: BPC §4999.46.4(e) and (f), CCR §1820(a)

21. **Supervisory Plan:** LCSW and LPCC law requires the supervisor and the supervisee to develop a "supervisory plan" that describes goal and objectives of supervision. The registrant is required to submit this form when applying for licensure. The Committee has requested language requiring that the supervisor and supervisee collaborate to develop the goals and objectives.

    Section Affected: CCR §1820(c)

22. **Annual Assessment:** LCSW regulations require a supervisor to complete an annual assessment of the strengths of the registrant and to provide the registrant with a copy. The Committee decided to require this for supervisors of LMFT and LPCC interns and trainees as well.

    Section Affected: CCR §1821(b)(10)

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

    Section Affected: CCR §1820(b)(11)

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

    Section Affected: CCR §1821.1

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

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

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

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

    Recently, staff made amendments to clarify that the training and coursework requirements apply to supervisors who commence supervision for the first time in California as of January 1, 2019.

    Section Added: CCR §1821.2

26. **Supervisor Registration:** The committee has decided to require all supervisors to register with the Board, initiated by a licensee's submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report will include the supervisor's qualifications, as well as an acknowledgement of certain responsibilities. For those who qualify as a supervisor, the Board will add a supervisor status to the licensee's record. The effective date of this requirement will be delayed to January 1, 2020 to allow time for the Breeze online system to be modified so that supervisors will be searchable. In

addition, the deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be March 31, 2020.

The "Clinical Supervisor Self-Assessment Report" has been modified since the June 2016 meeting, as indicated in #27 below. See Agenda Item 6 (LMFT Language), Attachment C for the draft "Clinical Supervisor Self-Assessment Report".

Sections Affected: CCR §§ 1820(b), 1821(d),(e)

27. **Supervision Agreement:** During previous meetings, it was decided that the "Supervisor Responsibility Statement" would be replaced by the "Clinical Supervisor Self-Assessment Report". However, staff recently determined that this would be problematic. Registration of supervisors requires a delayed implementation due to Breeze, but many of the new supervisor requirements and responsibilities will take effect much sooner. In light of this, the supervision forms and related processes have been revised as follows:

    Supervisor Self-Assessment Report: This form would be solely for the purpose of registering supervisors. Content formerly in the "Self-Assessment Report" pertaining to supervisor responsibilities has been moved to the new "Supervision Agreement". Staff no longer recommends requiring a copy be given to the supervisee, as the "Supervision Agreement" supplants the need for this.

    Supervision Agreement: This form would be completed by both the supervisor and supervisee. It includes the supervisor's license information and status, an acknowledgement of supervisor and supervisee responsibilities, and a collaboratively developed supervisory plan. The original would be retained by the supervisee and submitted to the Board upon application for licensure. See Agenda Item 6 (LMFT Language), Attachment D for the draft "Supervision Agreement".

    Sections Affected: CCR §1820(b),(c), 1821(d),(e)

28. **Weekly Log:** The weekly log form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form.

    Section Affected: CCR §1820(d)

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

    Section Affected: CCR §1820(e)

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

- The " Supervisor Self-Assessment Report" must be completed within 60 days of commencing supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by March 31, 2020.

- The "Supervision Agreement" must be completed within 60 days of commencing supervision.

- The 15 hour supervision training course must be completed within either 2 or 4 years prior to commencing supervision, or within 60 days after commencing supervision.

The Committee should discuss whether it believes these timelines are appropriate.

Sections Affected: CCR §§ 1820(b),(c), 1821(d),(e), 1821.2(a)

31. **Documentation of Supervisor Qualifications and Audits:** A regulation section was added to allow the Board to audit supervisor's records to verify they meet the supervisor qualifications specified in proposed regulation section 1821.2. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

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

Section Added: CCR §1821.3

ATTACHMENTS:

Attachment A: Proposed LPCC Supervision Language
Attachment B: Reference Sections – Current Law: BPC §§4999.12, 4999.46, 16 CCR §§ 1820-1822

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ATTACHMENT A
PROPOSED LPCC SUPERVISION LANGUAGE

§4999.12. DEFINITIONS

For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.

(c) "Approved" means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant's graduation from the school, college, or university.

(d) "Applicant for licensure" means an unlicensed person ~~who has completed a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person~~ who has completed the education and experience requirements for licensure specified in this chapter and is no longer ~~registered with the board as an intern.~~gaining supervised experience.

(e) "Licensed professional clinical counselor" or "LPCC" means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) "Intern" means an unlicensed person who meets the requirements of Section 4999.42 and ~~is registered with the board.~~meets one of the following definitions, unless otherwise specified:

1) The individual is registered with the board as an intern.

2) The individual's degree was awarded and he or she will be applying for intern registration within 90 days of the degree award date.

3) The individual applied for intern registration within 90 days of the date his or her degree was awarded.

(g) "Clinical counselor trainee" means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) "Approved supervisor" means an individual who meets the following requirements:

(1) Has ~~documented two years of clinical experience~~ been actively licensed in

California or holds an equivalent license in any other state for at least two of the past five years as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology~~.~~, immediately prior to commencing any supervision.

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

(~~2~~3) Has received professional training in supervision~~.~~, as specified in this chapter and by regulation.

(~~3~~4) Has not provided therapeutic services to the clinical counselor trainee or intern.

(~~4~~5) Has and maintains a current and ~~valid~~active California license that is not under suspension or probation.

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

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

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

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

(l) "Research" means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) "Supervision" means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered to

be supervision. Supervision includes the following:

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

(2) ~~Reviewing client or patient records, m~~Monitoring and evaluating assessment, diagnosis, and treatment decisions of the ~~clinical counselor trainee~~supervisee and providing regular feedback.

(3) Monitoring and evaluating the ability of the ~~intern or clinical counselor trainee~~supervisee to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Monitoring for and attending to any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.

(~~4~~5) Ensuring compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(~~5~~6) Reviewing progress notes, process notes, and other treatment records.

(7) ~~T~~that amount of direct observation~~,~~ or review of audio or video~~tapes~~ recordings of counseling or therapy, with the client's written consent, as deemed appropriate by the supervisor.

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

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

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

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

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

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

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

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

~~§4999.34. PRACTICUM AND FIELD EXPERIENCE; SETTING REQUIREMENTS; TRAINEE~~

~~A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:~~

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

~~(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.~~

~~(c) Is not a private practice.~~

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

§4999.36. TRAINEE ACTIVITIES AND SERVICES; APPLICANT AND SCHOOL RESPONSIBILITIES

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

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

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of postdegree internship hours.

~~(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.~~

~~§4999.44. PROFESSIONAL EXPERIENCE; SETTING REQUIREMENTS; REGISTERED INTERN~~

~~An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:~~

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

~~(b) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).~~

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

~~(d) An intern shall not be employed or volunteer in a private practice until registered as an intern.~~

~~§4999.45. 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 subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration~~

~~number pursuant to this subdivision shall not be employed or volunteer in a private practice.~~

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

~~§4999.455. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS~~

~~(a) A licensed professional in private practice who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~

~~(b) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation. Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~

§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE JANUARY 1, 2016

(a) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience related to the practice of professional clinical counseling under an approved supervisor. The experience shall comply with the following:

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

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

(3) Not less than 1,750 hours of direct clinical counseling with individuals, groups, couples, or families in a setting described in Section ~~4999.44~~4999.46.3 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 4999.12 ~~1820 of Title 16 of the California Code of Regulations~~.

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

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

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

~~(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~

~~(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.~~

~~(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.~~

~~(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.~~

~~(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.~~

~~(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.~~

~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.~~

~~(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~

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

§4999.46.1 REGISTRATION AS AN INTERN

(a) All applicants for licensure, trainees, and ~~registrants~~interns shall be at all times under the supervision of a supervisor as specified in this chapter and by regulation.

(b) Except as provided in subdivision (c), all persons shall have an active intern registration with the board in order to gain postdegree hours of supervised experience.

(c) Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(d) 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.

(e) When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

§4999.46.2 DIRECT SUPERVISOR CONTACT

(a) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of ~~client contact~~ direct clinical counseling that is performed in each setting. *(NOTE: Moved this from under (b) because LPCC trainees don't count experience. However, need to make sure we don't change intent/meaning. Do we need to specify that except for workshops, seminars, etc, trainees must have at least 1 hour per week for other, nonclinical activities?)*

(b) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a) of section 4999.46, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

> (1) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of ~~face-to-face psychotherapy~~ direct clinical counseling is performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(c) "One hour of direct supervisor contact" means any of the following:

> (1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee.
>
> (2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees.
>
> (3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

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

(e) An applicant for licensure shall have received at least one (1) hour per week of direct supervisor contact meeting the criteria of subdivisions (1) or (2) of subsection (b), for a minimum of 52 weeks.

(f) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.

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

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

(i) Notwithstanding any other provision of law, once experience hours are gained, interns and applicants for licensure ~~who have finished gaining experience hours~~ shall receive a minimum of one hour of direct supervisor contact per week for each setting in which direct clinical counseling is performed. Once experience hours are gained, further supervision for nonclinical practice as defined in section 4999.46(a)(5) is at the supervisor's discretion.

§4999.46.3 SUPERVISION: ACCEPTABLE SETTINGS: ACCEPTABLE SUPERVISION PRACTICES

(a) ~~Clinical counselor trainees, interns, and applicants for licensure shall perform services only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.~~ Clinical counselor trainees, interns, and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. No trainee, intern, or applicant for licensure shall perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor.

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

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

(b) (1) A trainee shall not perform services in a private practice. A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

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

(B) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

~~(C) Is not a private practice.~~

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

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

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

(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

(2) An applicant for intern registration shall not be employed or volunteer in a private practice until registered as an intern.

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

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

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

(e) Clinical counselor trainees, interns, and applicants for licensure shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(f) Clinical counselor trainees, interns, and applicants for licensure shall have no proprietary interest in the employer's business and shall not lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations of their employers.

(g) Clinical counselor trainees, interns, and applicants for licensure who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars ($500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for licensure for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit an intern or applicant for licensure who receives reimbursement for expenses and

the intern or applicant for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

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

§4999.46.4 OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS

(a) Clinical counselor trainees, interns, and applicants for licensure shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of their employer and their supervisor, and in compliance with the ~~laws~~statutes and regulations pertaining to supervision.

(b) ~~When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.~~ Except for periods of time during a supervisor's vacation or sick leave, a registered intern who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the registered intern's employer, or is an owner or shareholder of the private practice.

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

(d) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time

by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation. Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

~~(e) In a private practice setting, the registered intern's supervisor must be an owner or shareholder of the private practice. Alternatively, the supervisor may be employed by the private practice and regularly conduct business at the same site as the registered intern.~~

(e) In a setting which is not a private practice, a written agreement, as specified in regulation, must be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

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

(g) Alternative supervision for an intern or trainee may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

~~§4999.47. EMPLOYMENT; TRAINEE, REGISTERED INTERN AND APPLICANTS; REMUNERATION~~

~~(a) Clinical counselor trainees, interns, and applicants shall perform services only as an employee or as a volunteer.~~

~~The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.~~

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

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

~~(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

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

~~(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars ($500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.~~

~~(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.~~

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

§4999.90. UNPROFESSIONAL CONDUCT

The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea

or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which

depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

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

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

(~~t~~s) Permitting a ~~clinical counselor~~ trainee, ~~or~~ intern or applicant for licensure under one's supervision or control to perform, or permitting the ~~clinical counselor~~ trainee, ~~or~~ intern or applicant for licensure to hold himself or herself out as competent to perform, professional services beyond the ~~clinical counselor~~ trainee's, ~~or~~ intern's or applicant for licensure's level of education, training, or experience.

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

(~~v~~u) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

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

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

(~~y~~x) Repeated acts of negligence.

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

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

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

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

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

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

§1820 ~~EXPERIENCE~~SUPERVISION: REQUIRED DOCUMENTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3)~~(a) Pursuant to Section 4999.46.4 of the Business and Professions Code, ~~I~~in a setting which is not a private practice, ~~the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis,~~ a written agreement must be executed between the supervisor and the ~~organization,~~employer when the supervisor is not employed by the supervisee's employer or is a volunteer. The written agreement must be executed prior to commencement of supervision~~, in which the supervisor agrees~~ and must contain an agreement by the supervisor to ensure that the extent, kind, and quality of counseling performed by the ~~intern~~supervisee is consistent with the ~~intern's~~supervisee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

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

(3) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment of qualifications to supervise, as specified in section 1821.

~~(c) A supervisor who assumes responsibility for providing supervision under section 4999.46 of the Code shall collaborate with the supervisee to develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan". (form no. 1800 37A 521, Rev. 3/10), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted to the supervisee within 60 days of commencing supervision.~~

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

(1) The supervisor's qualifications to supervise.

(2) An affirmation by the supervisor of his or her understanding of the requirements pertaining to direct supervisor contact.

(3) An affirmation by the supervisor of his or her understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices and work settings, and supervisee employment.

(4) An affirmation by the supervisor of his or her understanding of the supervision documentation required and the Board's right to audit a supervisor's compliance.

(5) An affirmation by the supervisee of his or her understanding of the following:

(A) Requirements pertaining to intern registration.

(B) The requirement that a supervisor must hold a current and active California license while supervising in order for hours to count toward licensure.

(C) Prohibited practices as specified in sections 4999.46.1(b), (c) and (d), and 4999.46.3(a), (c), (e) and (f) of the Code.

(D) The six-year limit pertaining to experience hours.

(E) Requirements pertaining to documentation of completed supervised experience.

(6) A supervisory plan that describes the goals and objectives of supervision, and

whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee.

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

(1) The name and address of the supervisee's work setting
(2) A breakdown of the experience hours gained by category
(3) Total hours gained per week and in each category

(e) Completed hours of experience shall be documented at the completion or termination of supervision and shall include all of the following:

(1) The supervisor's telephone number, and the supervisor's license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Information about the supervisee's work setting.

(4) Documentation of employment.

(5) The applicant's accumulated hours of experience.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

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

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

§1821. REQUIREMENTS FOR SUPERVISORS

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

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

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

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

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

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

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

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1821.2.

> ~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply~~

towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

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

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

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

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

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

(10)(11) The supervisor shall address with theestablish and communicate to the intern the manner in which emergencies will be handled.procedures for contacting the supervisor, or, in the supervisor's absence, alternative on-call supervisors to assist in handling crises and emergencies.

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

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

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

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

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

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

(1) The supervisor's license information and status.
(2) The supervisor's qualifications to supervise.
(3) The supervisor's affirmation that he or she understands the requirements set forth in sections 4999.12(h) and 4999.46.4(c) and (d) of the Code, and in sections 1821(a), 1821.2 and 1821.3.

(e) All supervisors shall submit a self-assessment to the Board by March 31, 2020. New supervisors shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

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

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

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.20, and 4999.46 through 4999.46.4~~4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54~~, Business and Professions Code.

~~§1822. SUPERVISORY PLAN~~

~~(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals~~

~~and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, Rev. 3/10), hereby incorporated by reference.~~
~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the professional clinical counselor intern to the board upon application for examination eligibility.~~

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

§1821.1. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

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

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

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

§1821.2. SUPERVISOR TRAINING AND COURSEWORK

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

(a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:

(A) Competencies necessary for new supervisors;

(B) Goal setting and evaluation;
(C) The supervisor-supervisee relationship;
(D) California law and ethics, including legal and ethical issues related to supervision;
(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
(F) Contextual variables, such as treatment modality, work settings, and use of technology;
(G) Supervision theories and literature; and
(H) Documentation and record keeping of the supervisee's client files, as well as supervision.

2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision. If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.

(b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:

1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;

2) Teaching a supervision course as specified in subparagraph (1).

3) Authoring research pertaining to supervision that has been published professionally.

4) Receiving ~~documented~~ mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor.

5) ~~Documented~~ Attendance at supervisor peer discussion groups.

(d) (1)In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

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

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

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

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

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

§1821.3. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in Section 1821.2 for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

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

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ATTACHMENT B

Reference Sections – Current Law: BPC §§4999.12, 4999.46, 16 CCR §§ 1820-1822

§4999.12. DEFINITIONS

For purposes of this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Behavioral Sciences.

(b) “Accredited” means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.

(c) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

(d) “Applicant” means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern
is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern.

(e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) “Intern” means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.

(g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) “Approved supervisor” means an individual who meets the following requirements:

(1) Has documented two years of clinical experience as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) Has received professional training in supervision.

(3) Has not provided therapeutic services to the clinical counselor trainee or intern.

(4) Has a current and valid license that is not under suspension or probation.

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

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

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

(l) “Research” means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) “Supervision” includes the following:

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

(2) Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the clinical counselor trainee.

(3) Monitoring and evaluating the ability of the intern or clinical counselor trainee to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Ensuring compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(5) That amount of direct observation, or review of audio or videotapes of counseling or therapy, as deemed appropriate by the supervisor.

§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE JANUARY 1, 2016

(a) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience related to the practice of professional clinical counseling under an approved supervisor. The experience shall comply with the following:

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

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

(3) Not less than 1,750 hours of direct counseling with individuals, groups, couples, or families in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 1820 of Title 16 of the California Code of Regulations.

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

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

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has

had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

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

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

§1820 EXPERIENCE

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

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

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

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

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

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

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

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

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

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

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

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

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

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

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

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

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

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

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

§1821. REQUIREMENTS FOR SUPERVISORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§1822. SUPERVISORY PLAN

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

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

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

BBS Board of Behavioral Sciences

Memo

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To: Supervision Committee Members **Date:** August 11, 2016

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **LCSW Statutes and Regulations: Proposed Supervision Amendments**

Attachment A contains a draft of proposed amendments to LCSW statutes and regulations based on the prior discussions and decisions of this Committee.

Below is a summary of proposed amendments. Areas highlighted in yellow contain significant changes from the June 2016 meeting or provide new content.

1. **Unprofessional Conduct:** There are inconsistencies in the unprofessional conduct provisions between the license types pertaining to supervision. Changes are proposed so that the LCSW statutes will mirror the LMFT and LPCC statutes.

   Section Affected: BPC §4992.3

2. **3,000 Supervised Experience Hours:**
   At the request of stakeholders, the amount of supervised experience hours required for licensure is proposed to be reduced from 3,200 hours to 3,000 hours. Additionally, the maximum for the "nonclinical" category is also proposed to be reduced from 1,200 hours to 1,000 hours. The purpose is to put California in alignment with the majority of other states and with the LPCC and LMFT professions.

   Sections Affected: BPC §§4996.17 and 4996.23

3. **Approved Supervisors/Supervisors Licensed for at Least Two Years:** The amendments allow a licensee to supervise if he or she has been actively licensed in California or holds an equivalent license in any other state for at least 2 of the past 5 years immediately prior to commencing any supervision. Additionally, the amendments add subparagraphs (a)(3) prohibiting a supervisor from having provided therapy to the associate, and (a)(4) requiring

maintenance of an active license not under suspension or probation, for consistency with the LMFT and LPCC professions.

Sections Affected: BPC §4996.20(a), 16 CCR §1870

4. **Required Supervisory Experience:** Current law requires that in order to supervise a registrant, a supervisor must have practiced psychotherapy or provided direct supervision for two (2) of the past five (5) years.

   However, the wording of this law is inconsistent across the Board's license types, and in some cases it is unclear if supervision of LPCC trainees or social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of social work students or LPCC trainees is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types.

   Section Affected: 16 CCR §1870(a)

5. **Definition of Supervision:** The proposed changes are based on the following items requested by the Committee:

   - An amendment to require the supervisor to monitor for and attend to any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;

   - An amendment to require the supervisor to review progress notes, process notes, and other treatment records, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

     Additionally, a minor change to (b)(1) was made for consistency with the LMFT and LPCC professions.

   Sections Affected: BPC §4996.20(b), 16 CCR §1870

6. **Split BPC Section 4996.23:** BPC Section 4996.23 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

   Sections Affected/Added: BPC §§4996.23 – 4996.24.1

7. **Move BPC Section 4996.24:** BPC Section 4996.24 has been moved into a new section, in order to group it with the other related provisions pertaining to supervision and employment settings.

   Sections Affected/Added: BPC §§4996.24, 4996.24.2

8. **Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the law does not specifically define how much direct supervisor contact an associate needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour if more than 10 hours of direct client contact that week, in order for the hours to count.)

   At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that associates and applicants who have finished gaining experience hours must obtain at least one hour of supervision per week for each setting in which face-to-face psychotherapy is performed.

   At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that once experience hours are gained, associates and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Once experience hours are gained, supervision for nonclinical practice is at the supervisor's discretion.

   Sections Affected/Added: BPC §§4996.23, 4996.23.1(h)

9. **Definition of "One Hour of Direct Supervisor Contact"; Triadic Supervision:** The revisions provide a specific definition of "one hour of direct supervisor contact." Triadic supervision is now included in this definition.

   Section Added: BPC §4996.23.1(a)

10. **Amount of Individual Supervision; Triadic Supervision:** Current law requires an applicant to have obtained a minimum of one hour of individual supervision per week for at least 52 of the 104 weeks required. The proposed amendment would allow the 52 weeks of supervision to either be individual or triadic.

    Section Added: BPC §4996.23.1(d)

11. **Amount of Individual Supervision Under a LCSW:** Current law requires 13 weeks of an applicant's supervised experience to include a minimum of one hour of individual supervision specifically under a LCSW. The proposed amendment would allow these 13 weeks of supervision to either be individual or triadic.

    Section Added: BPC §4996.23.1(e)

12. **Supervision in a Group:** Current law allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of group supervision is appropriate to each supervisee's needs.

    Section Added: BPC §4996.23.1(f)

13. **Supervision via Videoconferencing and HIPAA Compliance:** Current law allows an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

    In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in law, as its name could possibly change over time. Therefore, staff has added a statement that *"The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information."*

    Section Added: BPC §4996.23.1(g)

14. **Employees and Volunteers: Gaining Experience vs. Performing Services:** Current LCSW statute allows associates to gain experience only as an employee or a volunteer, consistent with the other professions. However, LMFT and LPCC law additionally state that experience may not be gained as an independent contractor.

    At the last meeting, the Committee discussed clarifying the language to state that no associates or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

    Section Added: BPC §4996.24.1(a)

15. **Employment, Supervision and Work Settings – Consistency with LMFT and LPCC:** A number of provisions that currently exist in LMFT and LPCC law are proposed to be added to LCSW law for consistency with the other professions. Consistency would be helpful for supervisors, many of whom supervise for more than one different license type.

    The provisions proposed to be added are summarized below:

    A. All experience and supervision requirements are applicable equally to employees and volunteers.

    B. Experience may be gained solely as part of the position for which the associate volunteers or is employed.

    C. Associates and applicants who receive a maximum of $500 from all work settings, as reimbursement for expenses incurred for services rendered in a setting other than a private practice, shall be considered an employee and not an independent contractor. (See agenda item #9 for updated language)

D. A supervisor must evaluate the associate's work site and determine that the site provides experience within the scope of practice, and that experience gained will be in compliance with all legal requirements.

E. In any setting, alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in law.

F. In any setting, associates and applicants shall only perform services where their employer regularly conducts business, which may include other locations if the services are performed under the direction and control of the employer and supervisor.

G. In a private practice setting, the associate's supervisor must be one of the following:

- An owner or shareholder of the private practice OR
- Employed by the private practice AND practices at the same site as the associate's employer.

ITEM FOR DISCUSSION: The Committee should discuss whether the new requirement described in Item G above is appropriate for ASWs (language shown in BPC §4996.24.2(b)). While it currently applies to MFT and PCC interns, ASWs have a unique requirement that could make this more problematic for them. An ASW must obtain 1,700 hours under an LCSW. In order to keep their ASW on staff, sometimes employers with no LCSW licensee on staff will contract with an LCSW for supervision once their ASW has exhausted his or her allowable hours under an LMFT or LPCC. If the item in G above is adopted, this may be more difficult.

Sections Added: BPC §§4996.24.1, 4996.24.2

16. Written Agreement when Supervisor is not Employed by the Associate's Employer: Currently, an associate working in any setting may obtain supervision from a person not employed by the associate's employer if the supervisor signs a written agreement with the employer to "take supervisory responsibility for the associate's social work services." The following amendments to this provision are proposed:

A. Disallow in a private practice setting: No longer allow a written agreement for supervision by a person not employed by the private practice. This goes hand-in-hand with item 15 G above, which would require the supervisor to be an owner, shareholder or employed by the private practice. These provisions would avoid situations where an associate is working in a private practice without adequate supervisory oversight. Other settings, such as an agency, are more appropriate for this arrangement as they typically have more structure, support and other supervisory oversight.

B. Change the content of the written agreement:

- Rather than simply requiring the individual to take "supervisory responsibility," which is inherent in any supervisory relationship, the proposed language would instead require the supervisor to, "ensure that the extent, kind, and quality of counseling

performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality."

- The agreement would also require an acknowledgment by the employer that the employer:
  - Is aware of the licensing requirements that must be met by the supervisee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; AND
  - Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee.

Based on discussion at the last Committee meeting, the proposed amendments now require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

These changes would result in consistency with LMFT and LPCC law, and would address the critical issue of the supervisor having access to clinical records.

Sections Added: BPC §4996.24.2(e), 16 CCR §1869(a)

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

Section Added: 16 CCR §1870(k)

18. **Required Training and Coursework for Supervisors:** Current law requires supervisors commencing supervision for the first time to complete a 15 hour supervision course covering specified topic areas. Age limits for the course are now specified (would apply only to new supervisors), and the course can be counted as continuing education if taken from an accepted provider. Also, any supervisor who has not supervised in two (2) of the last five (5) years must retake a six (6) hour course.

This new section also specifies that supervisors must complete six (6) hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. A recently added amendment clarifies that all of these activities must be documented.

In place of the above requirements, a supervisor may obtain and maintain a supervision certification from one of four specified entities. The Board also has discretion to accept

certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and six (6) hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two (2) of the past five (5) years prior to commencing any supervision.

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

Recently, staff made amendments to clarify that the training and coursework requirements apply to supervisors who commence supervision for the first time in California as of January 1, 2019.

Section Added: 16 CCR §1871

19. **Supervisor Registration:** The committee has decided to require all supervisors to register with the Board, initiated by a licensee's submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report will include the supervisor's qualifications, as well as an acknowledgement of certain responsibilities. For those who qualify as a supervisor, the Board will add a supervisor status to the licensee's record. The effective date of this requirement will be delayed to January 1, 2020 to allow time for the Breeze online system to be modified so that supervisors will be searchable. In addition, the deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be March 31, 2020.

    The "Supervisor Self-Assessment Report" has been modified since the June 2016 meeting, as indicated in item #20 below. See Agenda Item 6 (LMFT Language), Attachment C for the draft "Clinical Supervisor Self-Assessment Report".

    Sections Affected: CCR §§ 1869(b) and 1870(g)

20. **Supervision Agreement:** During previous meetings, it was decided that the "Supervisor Responsibility Statement" would be replaced by the "Clinical Supervisor Self-Assessment Report". However, staff recently determined that this would be problematic. Registration of supervisors requires a delayed implementation due to Breeze, but many of the new supervisor requirements and responsibilities will take effect much sooner. In light of this, the supervision forms and related processes have been revised as follows:

    Supervisor Self-Assessment Report: This form would be solely for the purpose of registering supervisors. Content formerly in the "Self-Assessment Report" pertaining to supervisor responsibilities has been moved to the new "Supervision Agreement". Staff no longer recommends requiring a copy be given to the supervisee, as the "Supervision Agreement" supplants the need for this.

Supervision Agreement: This form would be completed by both the supervisor and supervisee. It includes the supervisor's license information and status, an acknowledgement of supervisor and supervisee responsibilities, and a collaboratively developed supervisory plan. The original would be retained by the supervisee and submitted to the Board upon application for licensure. See Agenda Item 6 (LMFT Language), Attachment D for the draft "Supervision Agreement".

Sections Affected: CCR §§ 1869(b),(c) and 1870(g)

21. **Weekly Log:** The weekly log form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form.

    Section Affected: CCR §1869(d)

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

    Section Affected: CCR §1869(e)

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

    - The "Supervisor Self-Assessment Report" must be completed within 60 days of commencing supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by March 31, 2020.

    - The "Supervision Agreement" must be completed within 60 days of commencing supervision.

    - The 15 hour supervision training course must be completed within either 2 or 4 years prior to commencing supervision, or within 60 days after commencing supervision.

    The Committee should discuss whether it believes these timelines are appropriate.

    Sections Affected: CCR §§ 1869, 1870, 1871

24. **Documentation of Supervisor Qualifications and Audits:** A regulation section was added to allow the Board to audit supervisor's records to verify they meet the supervisor qualifications specified in proposed regulation section 1870. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years

after the termination of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

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

Section Added: 16 CCR §1872

ATTACHMENTS:

Attachment A: Proposed LCSW Supervision Language
Attachment B: Reference Sections – Current Law: BPC §§4996.18, 4996.23 and 4996.24; 16 CCR §§ 1870, 1871, 1874

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ATTACHMENT A

PROPOSED LCSW SUPERVISION LANGUAGE

§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT

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

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

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

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

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

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

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

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

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

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

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

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

(l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.

(m) Performing, or holding one's oneself out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker, trainee, or intern or applicant under supervision to perform any professional services beyond the scope of the license authorized by this chapter. one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

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

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

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

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

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

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

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

(t) Permitting an applicant, trainee or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, professional services beyond the supervisee's level of education, training or experience.

(~~t~~u) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(~~u~~v) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(~~v~~w) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~w~~x) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(~~x~~y) Failure to comply with Section 2290.5.

(~~y~~z) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or

license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

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

(~~z~~aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes,

or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of

the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

~~(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.~~

~~(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.~~

~~(f~~d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

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

~~(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.~~

(f) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being

supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

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

§4996.20. ASSOCIATE CLINICAL SOCIAL WORKER; ACCEPTABLE SUPERVISORS AND SUPERVISION DEFINITION

(a) "Supervisor," as used in this chapter, means an individual who meets the requirements set forth in this chapter and in regulation. The requirements include the following: For purposes of Section 4996.23(a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license

(1) Has been actively licensed in California or holds an equivalent license in any other state for at least two of the past five years as a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, immediately prior to commencing any supervision.

(2) Has received professional training in supervision, as specified in this chapter and by regulation.

(3) Has not provided therapeutic services to the associate.

(4) Has and maintains a current and active California license that is not under suspension or probation.

(b) "Supervision" means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered to be supervision. Supervision includes the following:

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

(2) Review client or patient records, mMonitoring and evaluating assessment, diagnosis and treatment decisions of the associate clinical social worker supervisee and providing regular feedback.

(3) Monitoring and evaluating the ability of the ~~associate~~ supervisee to provide services to the particular clientele being served at the site or sites where he or she will be practicing.

(4) Monitoring for and attending to any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.

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

(6) Reviewing progress notes, process notes and other treatment records

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

§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA ~~EFFECTIVE JANUARY 1, 2002~~

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete ~~3,200~~ 3,000 hours of post-master's degree supervised experience related to the practice of clinical social work under a supervisor who meets the qualifications set forth in Section 4996.20. Experience shall not be gained until the applicant is actively registered as an associate clinical social worker. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of ~~a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board~~ a supervisor holding any of the license types listed as acceptable in this chapter.

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

(3) A maximum of ~~1,200~~ 1,000 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

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

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

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

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

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

~~(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.~~

~~(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.~~

~~(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.~~

~~(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).~~

~~(5~~c) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

~~(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.~~

~~(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.~~

~~(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.~~

~~(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.~~

~~(f) Experience shall only be gained in a setting that meets both of the following:~~

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

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

~~(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

~~(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.~~

(~~i~~d) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

~~(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.~~

~~(k) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.~~

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

~~(m) An associate shall not do the following:~~

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

~~(2) Have any proprietary interest in the employer's business.~~

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

~~(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.~~

~~(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.~~

4996.23.1 DIRECT SUPERVISOR CONTACT

(a) "One hour of direct supervisor contact" means any of the following:

(1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee

(2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees

(3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

(b) Except for experience gained by attending workshops, seminars, training sessions or conferences as described in paragraph (3) of subdivision (a) of section 4996.23, supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. An associate gaining experience shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting.

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

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual or triadic supervision.

(e) Of the 52 weeks of required individual or triadic supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(f) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.

(g) Notwithstanding subsection (a), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for

ensuring ~~that client confidentiality is preserved~~ compliance with state and federal laws relating to confidentiality of patient health information.

(h) Notwithstanding any other provision of law, once experience hours are gained, associates and applicants ~~for examination~~ ~~who have finished gaining experience hours toward licensure~~ shall receive a minimum of one hour of ~~supervision~~ direct supervisor contact per week for each setting in which ~~he or she is working~~ ~~face to face psychotherapy~~ direct clinical counseling is performed. Once experience hours are gained, further supervision is not required for nonclinical practice as defined in section 4996.23(a)(3) is at the supervisor's discretion.

~~§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS~~

~~(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~

~~(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.~~

~~(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~

§4996.24.1. ASSOCIATE CLINICAL SOCIAL WORKER: WORK SETTINGS AND EMPLOYMENT PRACTICES

(a) Associates and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. ~~Experience shall not be gained~~ No associate or applicant for licensure shall perform any services or gain any experience within the scope of practice for the profession, as defined in Section 4996.9, as an independent contractor.

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

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

(b) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.

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

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

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

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

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

(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) An associate or applicant shall not do the following:

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

(2) Have any proprietary interest in the employer's business.

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

(h) Associates and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars ($500) per month as reimbursement for expenses actually incurred by the associate or applicant for services rendered in any lawful work setting other than a private practice, shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

4996.24.2. OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS

(a) Associates and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and their supervisor, and in compliance with the statutes and regulations pertaining to supervision.

(b) Except for periods of time during a supervisor's vacation or sick leave, an associate who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the associate's employer, or is an owner or shareholder of the private practice.

(c) A licensed professional in private practice who has satisfied the supervisor qualifications required by section 4996.20(a), may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, professional clinical counselor intern, or associate clinical social worker in that private practice.

(d) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the supervisor qualifications required by section 4996.20(a). In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, professional clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social

workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(e) In a setting that is not a private practice, a written agreement, as specified in regulation, must be executed between the associate's or applicant's supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an associate will be gaining hours of experience toward licensure and shall determine that:

(1) The site provides experience which is within the scope of practice of a clinical social worker.

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

(g) Alternative supervision for an associate or applicant may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

§1869. SUPERVISION: REQUIRED DOCUMENTATION

(a) Pursuant to section 4996.24.2 of the Business and Professions Code, in a setting which is not a private practice, a written agreement must be executed prior to commencement of supervision when the supervisor is not employed by the associate's or applicant's employer or is a volunteer. This agreement must contain an agreement by the supervisor to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

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

(2) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee.

(3) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

~~(b) Prior to the commencement of any counseling or supervision, a supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522) hereby incorporated by reference.~~

(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment of qualifications to supervise, as specified in section 1870.

~~(c) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874, (form no. 1800 37A-521, revised 3/10), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

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

(1) The supervisor's qualifications to supervise.

(2) An affirmation by the supervisor of his or her understanding of the requirements pertaining to direct supervisor contact.

(3) An affirmation by the supervisor of his or her understanding of the requirements pertaining to registration of the supervisee, acceptable supervision practices and work settings, and supervisee employment.

(4) An affirmation by the supervisor of his or her understanding of the supervision documentation required and the Board's right to audit a supervisor's compliance.

(5) An affirmation by the supervisee of his or her understanding of the following:

(A) Requirements pertaining to intern registration.

(B) The requirement that a supervisor must hold a current and active California license while supervising in order for hours to count toward licensure.

(C) Prohibited practices as specified in sections 4996.18(a), 4996.23(a), and 4996.24.1(a), (c), and (g) of the Code.

(D) The six-year limit pertaining to experience hours.

(E) Requirements pertaining to documentation of completed supervised experience.

(6) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee.

(d) The associate shall maintain a log of all hours of experience gained toward

licensure. The log shall be signed by the supervisor on a weekly basis. An associate shall retain all logs until such time as the associate is licensed by the board. The board shall have the right to require an associate to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

(1) The name and address of the supervisee's work setting
(2) A breakdown of the experience hours gained by category
(3) Total hours gained per week and in each category

(e) Completed hours of experience shall be documented at the completion or termination of supervision and shall include all of the following:

(1) The supervisor's telephone number, and the supervisor's license information.

(2) The supervisee's employer's name, address and telephone number.

(3) Information about the supervisee's work setting.

(4) Documentation of employment.

(5) The applicant's accumulated hours of experience.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

§1870. REQUIREMENTS FOR ~~ASSOCIATE CLINICAL SOCIAL WORKER~~ SUPERVISORS

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

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

(1) The supervisor possesses and ~~will~~ maintains a current ~~valid~~ and active California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section ~~1874~~ 4996.20 of the Code and has been so licensed in California or in any other state for a total of at least two (2) of the past five (5) years immediately prior to commencing any supervision.

~~(2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.~~

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

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

(~~3~~4) The supervisor has and ~~will~~ maintains a current and active California license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(~~4~~5) The supervisor has practiced psychotherapy or provided direct clinical supervision of associates, or marriage and family therapist interns or trainees, or professional clinical counselor interns who perform psychotherapy for at least two (2) years within the ~~last~~ five (5) year~~s~~ period immediately preceding supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or LPCC trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

(~~5~~6) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1871.

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

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

~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~

~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor~~

~~interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(6~~7) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(7~~8) The supervisor shall ~~do all of the following:~~

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

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

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

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

~~(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800-37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

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

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

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

(d) The supervisor shall establish and communicate to the associate or applicant procedures for contacting the supervisor, or, in the supervisor's absence, alternative on-call supervisors to assist in handling crises and emergencies.

~~(a10~~e) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(a11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.~~

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

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

(1) The supervisor's license information and status.
(2) The supervisor's qualifications to supervise.
(3) The supervisor's affirmation that he or she understands the requirements set forth in sections 4996.24.2(c) and (d) of the Code, and in sections 1870, 1871 and 1872.

(h) All supervisors shall submit a self-assessment to the Board by March 31, 2020. New supervisors shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(~~a12~~i) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4996.22 and 4996.23, Business and Professions Code.

~~§1870.1. SUPERVISORY PLAN~~

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

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

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

§1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

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

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

§1871 SUPERVISOR TRAINING AND COURSEWORK

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

(a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the

approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:

(A) Competencies necessary for new supervisors;

(B) Goal setting and evaluation;

(C) The supervisor-supervisee relationship;

(D) California law and ethics, including legal and ethical issues related to supervision;

(E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;

(F) Contextual variables, such as treatment modality, work settings, and use of technology;

(G) Supervision theories and literature; and

(H) Documentation and record keeping of the supervisee's client files, as well as supervision.

(2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision. If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.

(b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:

1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;

2) Teaching a supervision course as specified in subparagraph (1).

3) Authoring research pertaining to supervision that has been published professionally.

4) Receiving ~~documented~~ mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor.

5) ~~Documented~~ Attendance at supervisor peer discussion groups.

(d)(1) In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

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

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

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

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

§1872. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in Section 1871 for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

~~§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS~~

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

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.~~

ATTACHMENT B

LCSW EXISTING LAW FOR REFERENCE

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

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

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

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

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

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

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

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

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

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

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

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

(G) Licensing law and process.

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

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be

responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

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

(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.

(i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete 3,200 hours of post-master's degree supervised experience related to the practice of clinical social work. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board.

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

(3) A maximum of 1,200 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

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

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

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

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

(c) “Supervision” means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the “Responsibility Statement for Supervisors of an Associate Clinical Social Worker” form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, “one hour of direct supervisor contact” means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The

associate shall submit to the board the initial original supervisory plan upon application for licensure.

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

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

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

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

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

(l) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(m) An associate shall not do the following:

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

(2) Have any proprietary interest in the employer's business.

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

(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS

(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.

(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

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

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

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

(2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.

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

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

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

(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections

4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:

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

(ii) Facilitation of therapist-client and supervisor-therapist relationships;

(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;

(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

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

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

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

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

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

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

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

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

(10) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A

supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

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

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

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

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4996.22 and 4996.23, Business and Professions Code.

§1870.1. SUPERVISORY PLAN

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

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

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

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

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

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.

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Board of Behavioral Sciences

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Memo

To: Supervision Committee Members

Date: August 5, 2016

From: Christy Berger
Regulatory Analyst

Telephone: (916) 574-7817

Subject: **Submission of 1099 Documentation**

Applicants for licensure are required to have been either a W-2 employee or a volunteer while gaining supervised experience toward licensure. However, applicants occasionally submit a 1099 with their documentation of employment. Submission of a 1099 typically indicates the individual was an independent contractor, which is not permitted. However, there is one exception that is written into law for LMFT and LPCC applicants.

If the applicant truly was a volunteer, but received reimbursement of expenses (such as travel) by the employer, the employer may issue a 1099 indicating the amount reimbursed. Current LMFT and LPCC law allows those who receive a maximum of $500 per month as reimbursement of expenses, to be considered as an employee and not an independent contractor. Applicants have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

The figure of $500 per month has been in law for many years, and the amount for reimbursed expenses could be much higher in today's dollars. Staff recommends that the dollar amount be removed from law, but that the Board continue to require applicants to demonstrate that payments were for reimbursement of actual expenses. This would avoid the need for future law changes to increase the maximum dollar amount.

In addition to this adjustment, for consistency among the professions, this language is proposed to be added to LCSW statute.

Attachment: Proposed 1099 Language

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ATTACHMENT

LMFT

4980.43(k)

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

LPCC

4999.47(d) & (e)

Clinical counselor trainees, interns, and applicants who provide voluntary services ~~or other services~~ in any lawful work setting other than a private practice, and who receive ~~no more than a total, from all work settings, of five hundred dollars ($500) per month as~~ reimbursement for expenses actually incurred by ~~those~~ the clinical counselor trainee~~s~~, intern~~s~~, or applicant~~s~~ ~~for services rendered in any lawful work setting other than a private practice~~ shall be considered an employee and not an independent contractor. The board may audit applicants for licensure who receive reimbursement for expenses, and the applicants for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

LCSW

Associate clinical social workers and applicants for licensure who provide voluntary services in any lawful work setting other than a private practice, and who receive reimbursement for expenses actually incurred by the associate or applicant, shall be considered an employee and not an independent contractor. The board may audit applicants for licensure who receive reimbursement for expenses, and the applicants for licensure shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

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Memo

To: Supervision Committee Members **Date:** August 10, 2016

From: Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7817

Subject: **Draft Supervision Brochure for MFT Interns and Trainees**

The *Guide to Supervision* brochure, currently available on the Board's website, has been revised based on the Committee's work to date, as well as feedback from stakeholders. The *Guide to Supervision* provides information for supervisees on a range of topics, but the main focus is on how supervisees can get the most out of their supervision experience. The brochure also includes information on how to make a complaint against a supervisor, as well as other resources for supervisees.

The revised brochure was originally proposed as a required document that must be provided to supervisees by the supervisor. However, staff has become aware that putting this requirement into law means that the content of the brochure must also be incorporated into law, thereby losing any flexibility to change the content of the brochure without a regulation change. Instead, staff proposes that a statement be included on the new "Supervision Agreement" form, which recommends that the supervisee download the brochure and discuss it with his or her supervisor.

The revised brochure is presented to the Committee for approval. The initially proposed changes are shown in red text, and changes since the most recent meeting are shown in green text. Staff is focusing on the brochure for MFT Interns and Trainees for the review process, as the text of the brochure for each profession is nearly identical. The draft brochures for the other professions have also been included in the attachments for reference.

Attachment A: Draft Revised *Guide to Supervision* for MFT Trainees and Interns
Attachment B: Draft Revised *Guide to Supervision* for Associate Clinical Social Workers
Attachment C: Draft Revised *Guide to Supervision* for Professional Clinical Counselor Interns

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A Guide to Supervision for Marriage and Family Therapist Interns and Trainees

The Value of Supervision

The value of clinical supervision to your development as a mental health professional cannot be emphasized enough. It's important that you make the most out of the opportunity to benefit from the knowledge and experience of a licensed mental health professional and to develop a strong relationship that will facilitate your growth as a psychotherapist.

In order to make the most of the supervision experience, it is critical that both you and your supervisor are aware of each party's responsibilities in the supervision process, including the legal and ethical requirements pertaining to supervision.

California law requires at least two (2) years of supervised experience to qualify for licensure; however, the value of the relationship with your supervisor goes further than merely qualifying you for licensure.

Developing a Strong Relationship

Developing a strong relationship with your supervisor will facilitate your growth as a psychotherapist, yet ~~T~~the amount of time you are able to spend with your supervisor is often limited. Below are several strategies that may help you maximize the time that you do have with your supervisor:

Governor
Edmund G. Brown Jr.

State of California

State and Consumer Services Agency

Department of Consumer Affairs

- ~~Spend some time at the beginning of your supervisory relationship setting~~ You and your supervisor are required to collaborate on developing a *Supervisory Plan* that includes goals and objectives of supervision. Prior to meeting with your supervisor, think about the goals and objectives you have for yourself in your development as a professional.

- Set aside time in future meetings to revisit the~~se~~ goals and objectives set in your Supervisory Plan.

- Set aside time in future meetings for periodic informal evaluations of your clinical skills.

- Discuss the influence of personal culture and how it may impact working with your supervisor and clients.

- Be proactive with your supervisor. Make sure you are getting the value that you expected from supervision. Supervision should be a collaborative experience.

- ~~Thoroughly read the *Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern*. This form outlines the supervisor's legal requirements pertaining to the licensure process and must be signed by the supervisor upon commencement of supervision.~~

Don't Be Afraid to Ask Questions

Be sure to thoroughly read the *Supervisor Self-Assessment form,* which your supervisor is required to provide to you upon commencement of supervision. This form outlines the supervisor's legal requirements pertaining to supervision and the licensure process, and contains information about his or her qualifications.

Below are some questions you may want to ask your supervisor in order to provide you with a better understanding of your supervisor's qualifications, professional background and knowledge base.

~~Questions to consider asking include:~~

- ~~What type of license do you possess?~~

- ~~Is your license current and valid?~~

- ~~When were you licensed?~~

- ~~Have you completed the mandatory supervision course?~~

- ~~Have you met the requirement of having practiced psychotherapy or supervised Marriage and Family Therapist (MFT) Interns, MFT Trainees, Professional Clinical~~

~~Counselor Interns or Trainees or Associate Clinical Social Workers who perform psychotherapy for at least two (2) years within the last five (5) years?~~

- Have you ever provided supervision to a MFT Intern or Trainee before, and if so, how many?
- What is your practice background (private practice, agency, school, etc.)?
- Do you have any specialty areas of practice?
- Do you practice from a particular theoretical orientation, and if so, will other theoretical orientations be discussed?
- Are you familiar with mental health recovery-oriented approaches and/or collaborative care?
- What is your theoretical model for supervision?
- What can I expect from our supervision sessions?

Preparing for the Licensing Examinations

Effective clinical supervision should help prepare you to pass the licensing exams. You can help ensure that you get what you need out of supervision by taking the following steps:

- Download the examination candidate handbooks from the BBS website.
- Review the sample questions and exam content outlines, then take them to your supervisor and discuss how your work is preparing you for the exams. Revisit periodically to ensure your supervision and experience supports your goal of licensure.
- Ask your supervisor for suggestions on effective exam preparation strategies.
- Carefully read the exam information provided on the Board's website by selecting the *Applicants* tab, and then clicking the *Exams* link.

Know Your Supervised Experience Requirements

Supervisors often supervise multiple individuals working towards different professional licenses, all with different experience levels and supervision requirements. Therefore, it is critical that you become knowledgeable about your profession's specific requirements. ~~Here~~ Below are ~~some~~ several resources ~~available to~~ that will help you

understand the supervised experience requirements for the marriage and family therapist profession:

- The *Applicants* section of the BBS website
- *Frequently Asked Questions Relating to MFT Trainees and Interns*
- Current and past issues of the BBS Newsletter
- Professional MFT associations

Your Supervisor's License Status

Your supervisor's license status must be current and active at all times while you are under supervision in order for your hours to count. Visit the "Breeze" License Search to verify your supervisor's license status. Do this upon commencement of supervision, and make note of the expiration date. Check again near your supervisor's expiration date to ensure his or her license has been renewed so that you do not lose any hours.

Your Registration's Status

Once you are an MFT Intern registered with the BBS, the status of your registration is important too. Renew your registration early to ensure no hours are lost due to a delinquent renewal. Remember, if you have not yet passed the California Law and Ethics Exam, you must attempt the exam at least once during each renewal period before you will be permitted to renew.

Complaints Against a Supervisor

Supervisees who wish to file a complaint against their supervisor can do so using the *Consumer Complaint Form* or through the "Breeze" online system.

Who to Contact for Questions

For questions regarding experience and supervision requirements, you can email the MFT evaluators directly at BBS.LMFT@dca.ca.gov. The Board's entire email directory is on the Board's website under *Contact Us*.

Stay Informed

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A Guide to Supervision for Associate Clinical Social Workers

The Value of Supervision

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- Set aside time in future meetings to revisit the~~se~~ goals and objectives set in your Supervisory Plan.

- Set aside time in future meetings for periodic informal evaluations of your clinical skills.

- Discuss the influence of personal culture and how it may impact working with your supervisor and clients.

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- ~~Thoroughly read the *Responsibility Statement for Supervisors of an Associate Clinical Social Worker*. This form outlines the supervisor's legal requirements pertaining to the licensure process and must be signed by the supervisor upon commencement of supervision.~~

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Below are some questions you may want to ask your supervisor in order to provide you with a better understanding of your supervisor's qualifications, professional background and knowledge base.

~~Questions to consider asking include:~~

- ~~What type of license do you possess?~~

- ~~Is your license current and valid?~~

- ~~When were you licensed?~~

- ~~Have you completed the mandatory supervision course?~~

- ~~Have you met the requirement of having practiced psychotherapy or supervised Associate Clinical Social Workers, Marriage and Family Therapist (MFT) Interns,~~

~~MFT Trainees, or Professional Clinical Counselor Interns or Trainees who perform psychotherapy for at least two (2) years within the last five (5) years?~~

- Have you ever provided supervision to an ASW before, and if so, how many?
- What is your practice background (private practice, agency, school, etc.)?
- Do you have any specialty areas of practice?
- Do you practice from a particular theoretical orientation, and if so, will other theoretical orientations be discussed?
- Are you familiar with mental health recovery-oriented approaches and/or collaborative care?
- What is your theoretical model for supervision?
- What can I expect from our supervision sessions?

Preparing for the Licensing Examinations

Effective clinical supervision should help prepare you to pass the licensing exams. You can help ensure that you get what you need out of supervision by taking the following steps:

- Download the examination candidate handbooks from the BBS website.
- Review the sample questions and exam content outlines, then take them to your supervisor and discuss how your work is preparing you for the exams. Revisit periodically to ensure your supervision and experience supports your goal of licensure.
- Ask your supervisor for suggestions on effective exam preparation strategies.
- Carefully read the exam information provided on the Board's website by selecting the *Applicants* tab, and then clicking the *Exams* link.

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understand the supervised experience requirements for the clinical social work profession:

- The *Applicants* section of the BBS website
- *Frequently Asked Questions Relating to Associate Clinical Social Workers*
- Current and past issues of the BBS Newsletter
- Professional social work associations

Your Supervisor's License Status

Your supervisor's license status must be current and active at all times while you are under supervision in order for your hours to count. Visit the "Breeze" License Search to verify your supervisor's license status. Do this upon commencement of supervision, and make note of the expiration date. Check again near your supervisor's expiration date to ensure his or her license has been renewed so that you do not lose any hours.

Your Registration's Status

Once you are an ASW registered with the BBS, the status of your registration is important too. Renew your registration early to ensure no hours are lost due to a delinquent renewal. Remember, if you have not yet passed the California Law and Ethics Exam, you must attempt the exam at least once during each renewal period before you will be permitted to renew.

Complaints Against a Supervisor

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Who to Contact for Questions

For questions regarding experience and supervision requirements, you can email the LCSW evaluators directly at BBS.LCSW@dca.ca.gov. The Board's entire email directory is on the Board's website under *Contact Us*.

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- ~~Thoroughly read the *Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern*. This form outlines the supervisor's legal requirements pertaining to the licensure process and must be signed by the supervisor upon commencement of supervision.~~

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- ~~What type of license do you possess?~~

- ~~Is your license current and valid?~~

- ~~When were you licensed?~~

- ~~Have you completed the mandatory supervision course?~~

- ~~Have you met the requirement of having practiced psychotherapy or supervised Professional Clinical Counselor Interns or Trainees, Marriage and Family Therapist~~

~~(MFT) Interns, MFT Trainees, or Associate Clinical Social Workers who perform psychotherapy for at least two (2) years within the last five (5) years?~~

- Have you ever provided supervision to a PCC Intern before, and if so, how many?
- What is your practice background (private practice, agency, school, etc.)?
- Do you have any specialty areas of practice?
- Do you practice from a particular theoretical orientation, and if so, will other theoretical orientations be discussed?
- Are you familiar with mental health recovery-oriented approaches and/or collaborative care?
- What is your theoretical model for supervision?
- What can I expect from our supervision sessions?

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- The *Applicants* section of the BBS website
- *Frequently Asked Questions Relating to PCC Interns*
- Current and past issues of the BBS Newsletter
- Professional LPCC associations

Your Supervisor's License Status

Your supervisor's license status must be current and active at all times while you are under supervision in order for your hours to count. Visit the "Breeze" License Search to verify your supervisor's license status. Do this upon commencement of supervision, and make note of the expiration date. Check again near your supervisor's expiration date to ensure his or her license has been renewed so that you do not lose any hours.

Your Registration's Status

Once you are a PCC Intern registered with the BBS, the status of your registration is important too. Renew your registration early to ensure no hours are lost due to a delinquent renewal. Remember, if you have not yet passed the California Law and Ethics Exam, you must attempt the exam at least once during each renewal period before you will be permitted to renew.

Complaints Against a Supervisor

Supervisees who wish to file a complaint against their supervisor can do so using the *Consumer Complaint Form* or through the "Breeze" online system.

Who to Contact for Questions

For questions regarding experience and supervision requirements, you can email the LPCC evaluators directly at BBS.LPCC@dca.ca.gov. The Board's entire email directory is on the Board's website under *Contact Us*.

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Board of Behavioral Sciences

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Memo

To: Supervision Committee Members

Date: August 11, 2016

From: Christy Berger
Regulatory Analyst

Telephone: (916) 574-7817

Subject: **Temporary Substitution of a Supervisor**

At its June 2016 meeting, the Committee discussed issues surrounding the need for supervisees to occasionally have a substitute supervisor when their regular supervisor is not available. This situation may happen with or without warning. There was general agreement between the Committee and stakeholders of the following:

- The process should not be too onerous, yet still provide important safeguards.
- The substitute supervisor needs to meet all of the required qualifications.
- The substitute supervisor should sign a supervisor responsibility statement (now called a "supervision agreement") and the weekly log
- If the substitute supervisor will be supervising for a short period of time (30 days or less was suggested), creating a new supervisory plan is not necessary.
- If the substitute supervisor will be supervising for a short period of time (30 days or less was suggested), the regular supervisor should sign the experience verification form.

The Committee did not discuss whether a new letter of agreement would be necessary, when the substitute supervisor was not employed by the supervisee's employer.

Current LMFT and LPCC law contains a related provision, which the Committee agreed should be added to LCSW law. It currently reads as follows in the proposed language:

> "Except for periods of time during a supervisor's vacation or sick leave, a supervisee who is employed or volunteering in a private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the supervisee's employer, or is an owner or shareholder of the private practice."

Attachment: Proposed language

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ATTACHMENT

PROPOSED LANGUAGE – SUBSTITUTE SUPERVISORS

When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all current supervisor qualifications required by this chapter and in regulation.

(a) The substitute supervisor shall sign a supervision agreement and shall sign the supervisee's weekly log.

(b) If the substitute supervisor will be supervising for 30 days or less, a new supervisory plan is not required, and the experience gained may be signed off by the regular supervisor.

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