

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

**To:** Board Members

**Date:** November 14,  
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**From:** Rosanne Helms  
Legislative Analyst

**Telephone:** (916) 574-7897

**Subject:** Review of Board Sponsored and Monitored Legislation

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## BOARD-SPONSORED LEGISLATION

### CHAPTERED BILLS

#### **AB 404 (Eggman): Retired Licenses**

This bill clarifies the law regarding eligibility for a retired license. It states that a licensee is eligible for a retired license if he or she holds a current, active license, or an inactive license, if the license is in good standing. It also reduces the timeline allowed to restore a retired license to active status from five years to three years.

*Chapter 339, Statutes of 2013*

#### **AB 428 (Eggman): LMFT and LCSW Applicant Remediation of Coursework**

This bill amends LMFT licensing law to allow an LMFT applicant whose degree is deficient in the alcoholism and other chemical substance dependency requirement, or the spousal or partner abuse assessment requirement, to remediate those deficiencies. Current law does not allow remediation. It also amends LCSW licensing law to clarify that LCSW applicants may also remediate a deficiency in the spousal or partner abuse assessment coursework.

*Chapter 376, Statutes of 2013*

#### **AB 451 (Eggman): LMFT and LPCC Out-of-State Applicant Requirements**

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

This bill extends the effective date of the new education requirements for out-of-state licensees from January 1, 2014 to January 1, 2016. This allows the Board additional time to carefully consider solutions to this problem which would increase portability of licenses while maintaining public protection. The Board has formed a special committee, which has been meeting to discuss this issue further. The Board will propose follow-up legislation to this bill.

*Chapter 551, Statutes of 2013*

**SB 821 (Senate Business, Professions, and Economic Development Committee): Omnibus Legislation**

This bill makes technical and non-substantive amendments to add clarity and consistency to current Board licensing law. It also extends the effective date of the exam restructure from January 1, 2014 to January 1, 2016.

*Chapter 473, Statutes of 2013*

**TWO-YEAR BILLS**

**AB 958 (Jones): Child Custody Evaluators**

This bill would specify that the Board may access a child custody evaluation report for the purpose of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report. Currently, the law does not give the Board direct access to the child custody evaluation report. This leaves the Board unable to investigate allegations of unprofessional conduct of its licensees while they are serving as a custody evaluator, even though the Board is mandated to do so by law.

*Status: This is a two-year bill.*

**BOARD-SUPPORTED LEGISLATION**

**CHAPTERED BILLS**

**AB 1057 (Medina): Professions and Vocations: Licenses: Military Service**

This bill requires all boards under DCA to ask on licensing applications if the individual applying for licensure is serving in or has served in the military.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Chapter 693, Statutes of 2013*

**SB 126 (Steinberg): Health Care Coverage - Autism**

This bill extends the requirement that health care service plans and health insurance policies provide coverage for behavioral health treatment for pervasive developmental disorder or autism, until January 1, 2017.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Chapter 680, Statutes of 2013*

**SB 243 (Wyland): Professional Clinical Counselors**

This bill amends the requirements for an LPCC who opts to treat couples and families so that the required training and education in order to do this does not need to be in addition to the minimum training and education required for licensure.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Chapter 465, Statutes of 2013*

## TWO-YEAR BILLS

### **SB 22 (Beall): Health Coverage: Mental Health Parity**

This bill would require health care plans and insurers to submit an annual report certifying that the plan is compliant with the mental health parity act.

At its May 23, 2013 meeting, the Board took a “support” position on this bill.

*Status: This is a two-year bill.*

## BILLS THAT FAILED PASSAGE

No Board-supported legislation failed passage this year.

## THE BOARD MONITORED THE FOLLOWING LEGISLATION:

### CHAPTERED BILLS

### **AB 512 (Rendon): Healing Arts: Licensure Exemption**

This bill extends provisions allowing a health care practitioner who is licensed out-of-state to participate in a free, sponsored health care event in California. The provisions currently expire on January 1, 2014, and are now extended to January 1, 2018.

At its May 23, 2013 meeting, the Board took a “support if amended” position on this bill. The Board noted that the intent of this bill is to provide basic medical, dental, and vision services to the uninsured and underinsured. However, licensees of the Board of Behavioral Sciences do not provide these basic services. Therefore, the Board asked the author to narrow the scope of this bill to exclude the Board of Behavioral Sciences.

Staff learned in subsequent conversations with the author’s office that they did not plan to amend this bill, as they do not believe the Board is required to adopt regulations to implement the bill since it does not apply to its licensees’ services.

*Chapter 111, Statutes of 2013*

### **SB 282 (Yee): Confidential Medical Information: Required Authorization to Disclose**

This bill extends a provision in law, currently in place for physicians and surgeons, to marriage and family therapists. The provision requires that a patient’s demand for settlement or offer to compromise, be accompanied by authorization to disclose medical information to the insuring or defending organization.

At its May 23, 2013 meeting, the Board adopted a “support if amended” position on this bill, and requested that the Board’s other license types be included. However, due to possible opposition or objections that this may have caused, the other license types were not included.

*Chapter 58, Statutes of 2013*

## TWO-YEAR BILLS

### **AB 186 (Maienschein): Military Spouses: Temporary Licenses**

This bill requires a Board within DCA to issue a temporary license to an applicant who is eligible for, and requests, an expedited license. Such an applicant must be married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, and must hold a current license in the same profession in another state.

At its meeting on May 23, 2013, the Board took a “support if amended” position on this legislation, asking for the following amendments:

- An amendment requiring the applicant to provide a transcript to the Board;
- An amendment allowing delayed implementation to accommodate DCA’s BreEZE database system; and
- An amendment requiring the applicant to pass the California law and ethics examination prior to the issuance of the temporary license.

These requested amendments have not been made as of this date.

*Status: This is a two-year bill.*

**AB 213 (Logue): Licensure and Certification Requirements: Military Experience**

This bill, as of July 1, 2015, requires a board that accredits or approves schools offering education course credits toward licensing requirements to require a school seeking accreditation or approval to submit proof that it has procedures in place to evaluate an applicant’s military education, training and experience toward completion of an educational program designed to qualify a person for licensure.

The Board chose not to adopt a position on this bill at its May 23, 2013 meeting.

*Status: This is a two-year bill.*

**AB 252 (Yamada/Eggman): Social Workers**

This bill would limit the use of the title “social worker” to only those who hold a degree from an accredited school of social work.

At its May 23, 2013 meeting, the Board adopted a “support if amended” position on this bill, and requested that several specific amendments be made.

The requested amendments have not been made at this time, because this legislation became a 2-year bill.

*Status: This is a two-year bill.*

**AB 376 (Donnelly): Regulations: Notice**

This bill would require a state agency enforcing a new regulation to notify all affected businesses 30 days before the regulation goes into effect.

The Board opted to take an “oppose” position on this bill at its May 23, 2013 meeting.

*Status: This is a two-year bill.*

**AB 790 (Gomez) Child Abuse: Reporting**

This bill would delete the provision that allows a team of mandated reporters of suspected child abuse or neglect to designate one member to make a single mandated report. Therefore, all mandated reporters who obtain knowledge of suspected child abuse or neglect would be required to make their own report.

The Board opted to take no position on this bill at its May 23, 2013 meeting, but directed staff to provide technical support to the author’s office on specified points. Staff has provided the author’s office with the Board’s feedback.

*Status: This is a two-year bill.*

**AB 809 (Logue): Healing Arts: Telehealth**

This bill would allow the verbal consent to telehealth given by the patient at its initial use to apply in any subsequent use of telehealth.

The Board opted to take no position on this bill at its May 23, 2013 meeting.

*Status: This is a two-year bill.*

**SB 578 (Wyland): Marriage and Family Therapists: Unprofessional Conduct**

This bill would add engaging in certain types of dual relationships with a patient to the list of provisions that may be considered unprofessional conduct for a marriage and family therapist licensee or registrant.

At its May 23, 2013 meeting, the Board adopted a “support if amended” position on this bill, requesting that a technical amendment be made.

The requested amendment has not been made at this time, because this legislation became a 2-year bill.

*Status: This is a two-year bill.*

*Updated: October 14, 2013*